



Delegated Report

Householder Planning Application

Planning Application No: 20240235

Location: 258 Singlewell Road Gravesend Kent DA11 7RE

Description: Conversion of existing dwellinghouse into two separate dwellinghouses. Erection of two storey rear extension, alteration of roof including increase in height, rooflights in each side roof slope and dormer extension in each rear roof slope, single storey front extension and construction of vehicle access and hard paving of front garden.

Applicant: Mr Peter Chopra

Site Visit Date:

Submitted Documents/Plans

Application form;
Drawing no. SR/PD/24/01 E – Proposed Details;
Drawing no. SR/PD/24/02 D – Existing Details; and
Planning Statement.

Relevant Planning History

Reference	Description	Decision	Decision Date
20210188	Erection of part single storey and part two storey rear extension, erection of a two storey front porch extension and an increase in ridge height of the main dwelling roof converting the loft space to provide playroom, study, and store with the insertion of roof lights.	Permitted	11.05.2021
20191058	Erection of part single storey and part two storey rear extension for additional living and bedroom accommodation; increase in ridge height of main dwelling roof with use of loft space to provide playroom, study and store and insertion of roof lights in rear and side roof slopes.	Permitted	09.12.2019
20130606	Erection of part two storey and part single storey rear extension incorporating raising the ridge height of the roof by 500mm to form second reception room enlarged kitchen and gym at ground floor level with two bedrooms and enlarged bedroom at first floor level and playroom, study and store in roof space.	Permitted	07.10.2013
20130542	Application for the renewal of planning permission ref. no. 20130542 for the erection of part two storey and part single storey rear extension incorporating raised ridge on existing roof to provide second reception room, enlarged kitchen and gym at ground floor level with two	Withdrawn	25.06.2013

	bedrooms, enlarged bedroom and two ensuite shower room/wc's at first floor level with a playroom, study and store in the roof space.		
20090384	Erection of part two storey and part single storey rear extension incorporating raised ridge on existing roof to provide second reception room, enlarged kitchen and gym at ground floor level with two bedrooms, enlarged bedroom and two ensuite shower room/wc's at first floor level with a playroom, study and store in the roof space.	Permitted	03.07.2009
20081063	Erection of two storey rear extension to form a playroom, second reception room and enlarged kitchen at ground floor level with two bedrooms and enlarged bedroom at first floor level and alterations to increase the height of the roof.	Refused	04.02.2009
19930070	Erection of two storey side extension to form garage, w.c. and dining area with en-suite shower room and dressing room at first floor level.	Permitted	26.03.1993
19800656	Erection of single storey rear extension to form sun lounge	Permitted	19.09.1980

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS12 – Green Infrastructure
- CS18 – Climate Change
- CS19 – Development & Design Principles

Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards

Paragraph 33 of the NPPF (2023) sets out that policies within adopted local plans should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. Such reviews are also a legal requirement as set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012.

The Council undertook such a review in September 2019 and found that the adopted Local Plan Core Strategy is in need of a partial review in terms of Policy CS02, due to the increased need for housing since the Local Plan Core Strategy was adopted and the need to ensure that a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) generally conform with the NPPF (2023), the Council will also seek to replace these.

National Planning Policy Framework (2023)

- Section 2 – Achieving Sustainable Development
- Section 12 – Achieving well-designed and beautiful places

Supplementary Planning Guidance

- 2 - Residential layout guidelines including Housing Standards Policy Statement October 2015 Adopted 1996 – amended June 2020;
- Technical Housing Standards – nationally described space standard (2015);
- SPG 4 - KCC Parking Standards (2006);
- Householder Extensions/Alterations Design Guide (2021).

Consultations, Publicity and Representations

Consultees

KCC Heritage

Thank you for consulting us on this application and my apologies for the delayed response. The site lies within an area of multi-period archaeological potential. However, based on existing Historic Environment Record data for the area and the relatively limited extent of the proposed works, I consider it unlikely that these proposals would have a significant below-ground archaeological impact and have no further comments to make in this case.

Neighbouring properties

6 surrounding properties were consulted – overall consultation expiry date was 09/05/2024 – no responses received.

Officer's Analysis

Procedural matters

The application form refers to conversion of existing 5 bedroom house into two self contained houses and the proposed floor plans show two self-contained houses in terms of two front doors and no way of going between the two dwellings however, the word annex is written on the proposed floor plans x 4 and the Design and Access Statement refers to a self-contained side annex to support assisted living. As the accommodation would clearly be self-contained the proposal has been treated and assessed as such.

The application site consists of a detached chalet bungalow dwelling on the eastern side of Singlewell Road.

The majority of what is proposed has already been permitted under previous permissions, the new element in this application is the conversion of the property into two dwellings. The principle considerations in the assessment of the application are:

Housing Need (As of December 2023)

In *Hopkins Homes Ltd v Secretary of State for Communities and Local Government* [2017] 1 W.L.R. 1865, Lord Carnwath reemphasised that the National Planning Policy Framework is only a material consideration in planning decisions and that that planning applications should be determined in accordance with the development plan. Paragraph 12 of the NPPF expressly states that the starting point for decision-making is the development plan. Lord Carnwath as part of the Supreme Court decision stated,

"It is important, however, in assessing the effect of the Framework, not to overstate the scope of this policy-making role. The Framework itself makes clear that as respects the determination of planning applications (by contrast with plan-making in which it has statutory recognition), it is no more than "guidance" and as such a "material consideration" for the purposes of section 70(2) of the 1990 Act... It cannot, and does not purport to, displace the primacy given by the statute and policy to the statutory development plan. It must be exercised consistently with, and not so as to displace or distort, the statutory scheme."

It is a matter of law that all planning applications need to be considered in accordance with the legislation and relevant policy that applies at the point a decision is taken. The Council published a revised 5 year housing land supply statement in March 2023, it demonstrates that based on data up for the period 2022-2027, the Council can only demonstrate a land supply of 2.9 years.

Given the Council's current inability to demonstrate a 5-year housing land supply, and as the delivery of housing was substantially below (less than 75%) that required by the Housing Delivery Test, the housing delivery element of Gravesham's Local Plan Core Strategy (LPCS) (2014) Policy CS02 must be regarded

to be out of date, as required by the Paragraph 11(d) of the National Planning Policy Framework (NPPF) (2023). This requires that in regard to housing development, planning permission should be granted unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

In the Gravesham context, the policies referred to in paragraph 11(d)(i) above are those set out in the NPPF at footnote 7 (rather than those in development plans) relating to any of the following:

- Habitats sites (and those sites listed in NPPF paragraph 188)
- Sites of Special Scientific Interest
- Green Belt
- Local Green Space
- Areas of Outstanding Natural Beauty
- Irreplaceable habitats
- Designated heritage assets (& other heritage assets of archaeological interest, see NPPF footnote 68)
- Areas at risk of flooding or coastal change.

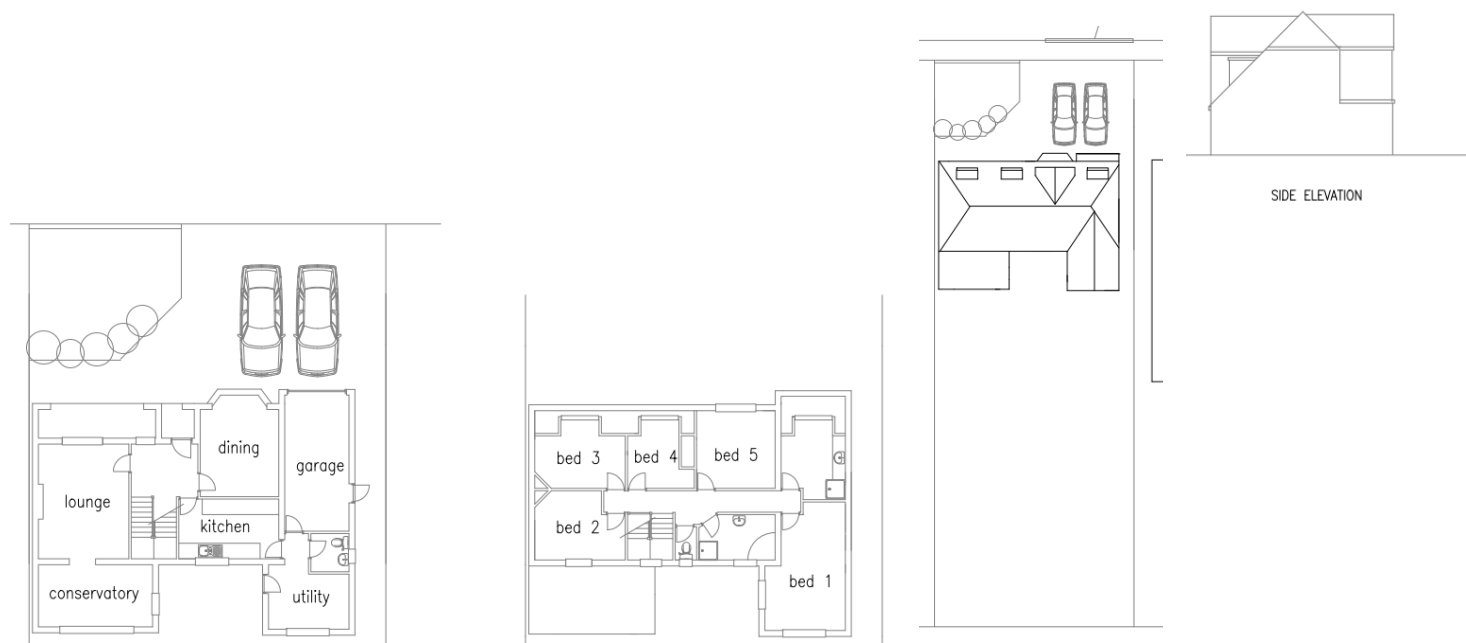
In determining applications for planning permission involving housing, the Council will therefore apply a weighted balance in favour of granting planning permission in accordance with relevant case law and guidance, having regard to the acceptability or otherwise of the proposals when evaluated against development plan policy, the need to make efficient use of land (paragraph 129(c)) in context, the relative contribution the proposal makes towards the alleviation of any shortfall in housing delivery at that time and any other considerations material to the proposed development.

The proposed development for a net increase of residential unit would offer a minimal contribution towards meeting this local need and, accordingly, officers considers that this should be accorded appropriate weight in support of the application. However, this has to be balanced against other requirements of the Development Plan and NPPF (2023) which requires new development to contribute positively to the overall quality of the area, be visually attractive, sympathetic to local character and create a high standard of amenity for existing and future occupiers.

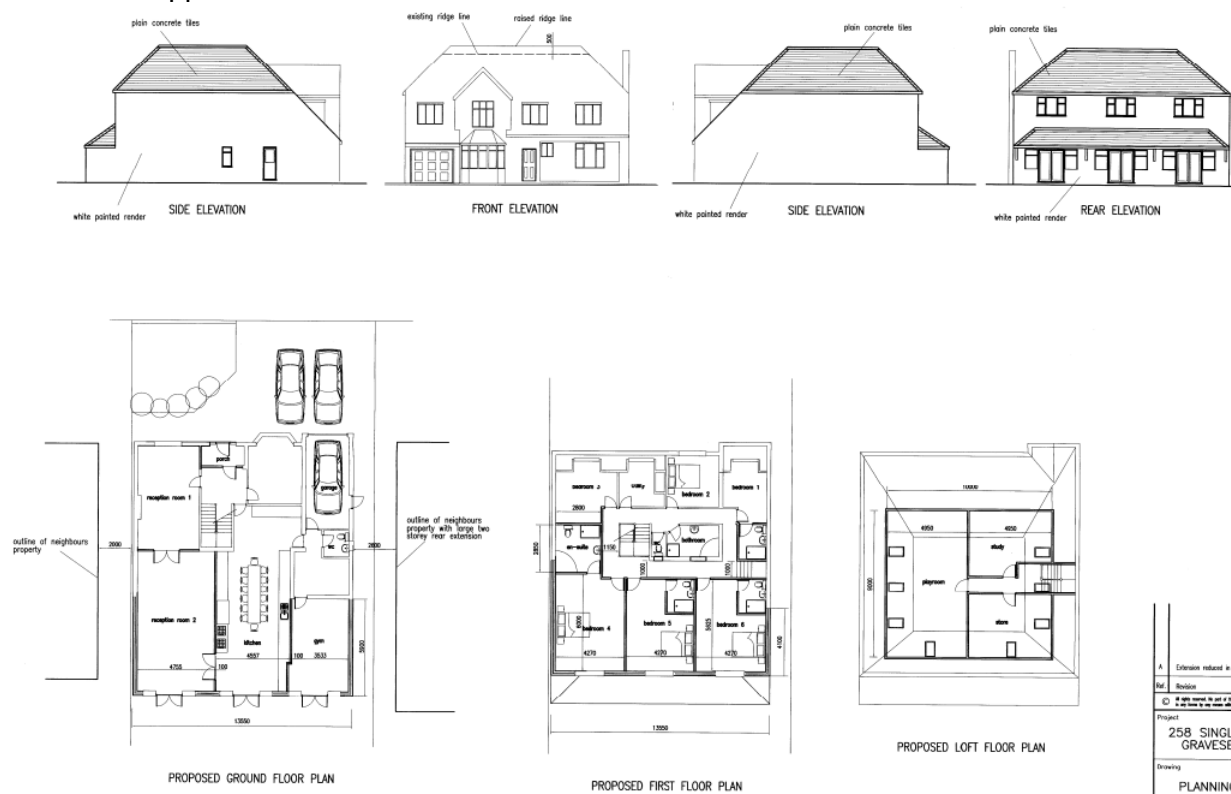
Design, Character and Appearance

For ease of reference the existing, permitted and proposed plans are as follows:

Existing:



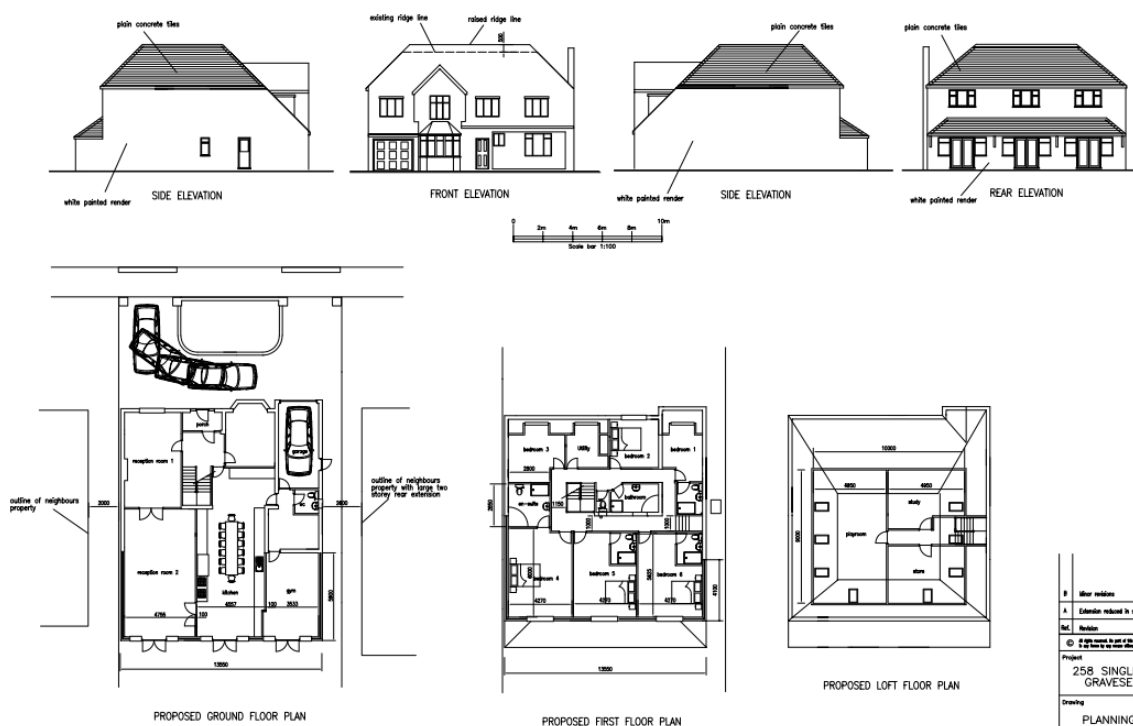
20090384 Approval:



20130606 Approval:



20191058 Approval:



20210188 Approval:

As can be seen the current proposed scheme subject of this application is similar to that already approved under previous permission refs. 20090384, 20130606 and 20191058 as it would be increasing the ridgeline of the dwelling by 500mm and extending to the rear with a two storey rear extension whilst retaining the existing front catslide roof and dormers as is the case here. The most recent permission ref. 20210188 was different to these other three approvals and what is currently proposed in this application as 20210188 included altering the existing catslide roof at the front to a full two storeys and a two storey front extension also but that is not proposed in this application.

The extension that is proposed would be slightly deeper than has been permitted under the previous permissions of 20090384, 20130606 and 20191058.

From a comparison of the existing scheme, these previous permissions and the current proposed scheme it can be seen that the entire depth of the dwelling is as follows in respect of:

Existing dwelling

Ground floor – Ranges in depth from 6.7m, 9.6m & 10.3m

First floor – Ranges in depth from 6.7m to 10.3m

Previous schemes (20090384, 20130606 and 20191058)

Ground floor – 15.6m (including single storey rear extension)

First floor – 13.8m to the deepest point of the catslide roof

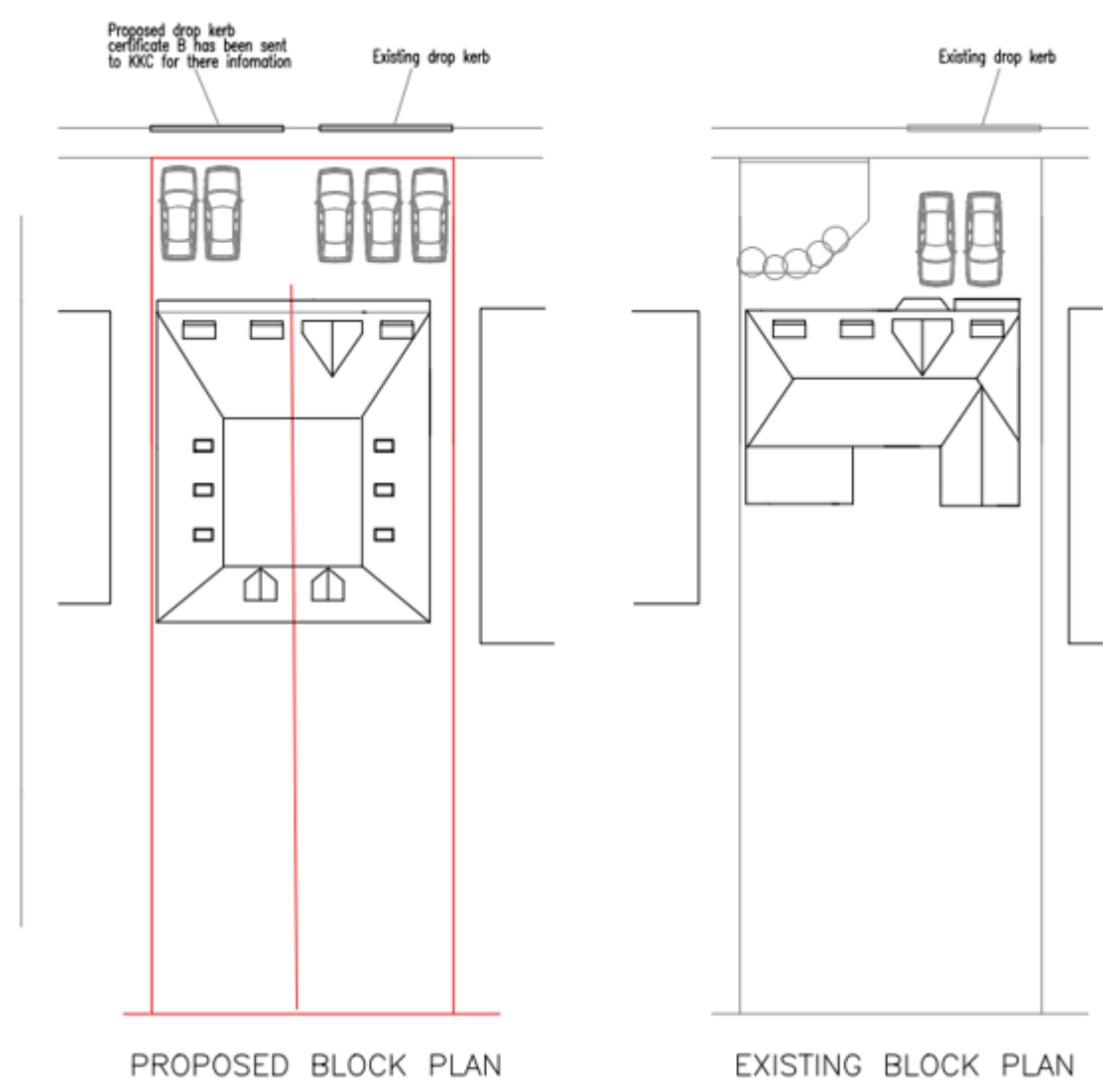
Current proposed scheme

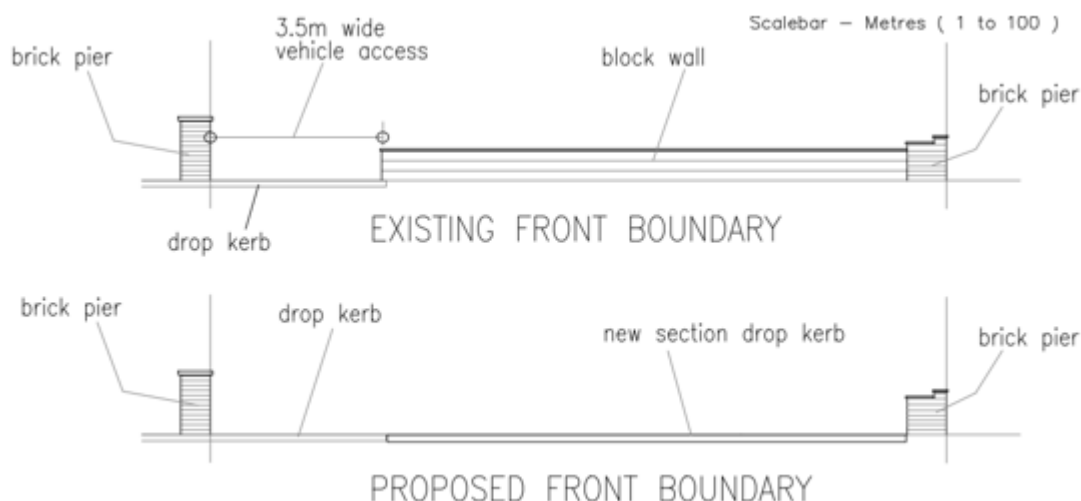
Ground floor – 16.2m

First floor – 15.6m

The proposed extension would therefore be 600mm greater at ground floor level and 1.8m greater at first floor level. Although the two storey rear extension would be larger the extension would not be significantly larger than what has already been approved under the previous permissions and it can be seen that it would still be in keeping with the scale and character of the host dwelling. The flat roof for the dwelling has already been permitted under all the previous permissions so no comment is given in regard to this. The rooflights proposed in the side roofs slopes are the same as approved in application ref. 20130606. The two proposed dormers in the rear roof slopes are acceptable as they are modestly sized and acceptable design. The single storey front extension would be very modest in depth and with a mono pitched roof which is acceptable in scale and design.

The proposed block plan shows that the existing front garden which is currently half soft landscaped and half hardstanding for parking would be removed and the whole area would be hardstanding for parking for both dwellings. The existing front boundary wall would also be removed and a new dropped kerb installed so the whole of the frontage would be open:





The proposed removal of all of the existing soft landscaping in the front garden would result in a detrimental impact on the character and appearance of the site and streetscene. The existing front garden although with a hardstanding area has a large amount of soft landscaping which contributes positively to the aesthetic character of the streetscene. The removal of this and its replacement all with hardstanding would lead to the loss of the attractive character that the front garden currently contributes to this part of Singlewell Road.

As such in respect of design, character and appearance the proposal is contrary to Policy CS19 (LPCS).

Amenity of Future Occupiers

The proposal includes conversion of the dwelling into two separate dwellinghouses.

Dwelling marked in yellow on plan (4 bed, 6 person 3 storey dwelling – 245.82 sq. m – exceeds the minimum standard in the Technical Housing Standards (2015) which is 112 sq. m

Dwelling marked as white on plan (2 bed, 3 person, 3 storey dwelling – 189.5 sq. m – no relevant standard in the Technical Housing Standards (2015) but the figure of 189.5 sq.m exceeds the minimum standard for a 3 bed, 4 person 3 storey dwelling which is 90 sq. m.

As such the dwellings exceeds the minimum standards in the Technical Housing Standards (2015) and are therefore of acceptable size.

Both rear gardens would be 138.61 sq. m in area and 19.3 m which would exceed the minimum garden areas and depths as set out in SPG2 (2020) for 4 and 2 bed dwellings respectively.

In respect of occupier amenity the proposal is therefore compliant with Policy CS19 (LPCS).

Neighbouring Amenity

Although there is an increase in the depth of the two storey rear extension proposed by 600mm at ground floor level and 1.8m at first floor level, given the depth of the adjacent dwellings and the distance between them there would be material harm caused to either neighbouring dwelling. As before the extension would not project any further than no. 256 to the north. There is a window proposed at first floor level in the north flank elevation serving a study but this is shown to be non-opening and obscure glazed therefore no concerns in terms of overlooking.

No. 260 is located to the south of the application site. The proposed extension would mean the extension would extend approx. 1m beyond the rear of no. 260 however, given this is not a significant amount and

combined with the distance between the two properties it is considered this would not cause any overshadowing to no. 260. There is a window proposed at first floor level in the south flank elevation serving bathroom but this is shown to be non-opening and obscure glazed therefore no concerns in terms of overlooking.

The rear dormers would not result in any additional overlooking over the rear windows below. The single storey front extension is of a modest size and given this and its siting and distance from the neighbouring properties it would not impact on any of the neighbouring properties.

As such in respect of neighbouring amenity the proposal is considered compliant with Policy CS19 (LPCS).

Parking and Highway Safety

The proposed block plan shows that there would be parking for some five vehicles in the front garden – three for the four bed dwelling and two for the two bed dwelling, this is considered sufficient to meet the requirements of SPG6 (2006). It is proposed to form a new access onto Singlewell Road for the southmost dwelling. Providing adequate visibility splays etc. are provided it is considered this would be acceptable in respect of highway safety. In respect of parking and highway safety the proposal is considered compliant with saved Policy P3 (LPFR).

Biodiversity

Policy CS12 (LPCS) states that there will be no net loss of biodiversity in the Borough, and opportunities to enhance, restore, re-create and maintain habitats will be sought. The proposal though the proposed removal of all of the existing soft landscaping in the front garden and having it all an area of hardstanding would lead to a net loss of biodiversity on the site. As such the proposal would be contrary to Policies CS12 and CS19 (LPCS).

Thames Estuary and Marshes Special Protection Area (SPA)

The application site falls within 6km of the Thames Estuary and Marshes Special Protection Area (SPA) classified in accordance with the European Birds Directive which requires Member States to classify sites that are important for bird species listed on Annex 1 of the European Directive, which are rare and/or vulnerable in a European context, and also sites that form a critically important network for birds on migration. It is also listed as a Wetland of International Importance under the Ramsar Convention (Ramsar Site). Studies have shown marked declines in key bird species, particularly in areas that are busiest with recreational activity. Research conducted in 2011 found that additional dwellings were likely to result in additional recreational activity, causing disturbance to protected bird species that over-winter or breed on the SPA and Ramsar Site. The studies found that 75% of recreational visitors to the North Kent coast originate from within 6 km of the SPA boundary and Ramsar Site. The impacts of recreational disturbance can be such that they affect the status and distribution of key bird species and therefore act against the stated conservation objectives of the European Sites.

The Borough Council has mitigated out the impacts of this on each and every planning application for a new residential development of one or more units within the 6km zone since September 2015 by accepting a Strategic Access Mitigation and Monitoring Strategy (SAMMS) (tariff) payment (currently £328.27 per dwelling). This approach is approved by Natural England for all new residential developments.

For every planning application for a new dwelling (including new flats) which does not require any other contributions to be secured through a s106 legal agreement or unilateral undertaking the tariff has been secured through a contribution agreement.

The tariff has been accepted effectively in lieu of an Appropriate Assessment (AA) under the Habitat Regulations and thus avoiding the need to progress into a full AA.

However, a more recent Court of Justice European Union (CJEU) ruling means that this approach is now

no longer valid and although the mitigation measures (in the form of a tariff payment) will still need to be made the first stage will be a screening assessment as to whether the development either alone or in combination, is likely to have significant effects on a designated site without mitigation. The CJEU sees a distinction between “the plan or project” itself and “measures intended to avoid or reduce the harmful effects of a plan or project on a European site”. This means that mitigation measures, which are intended to avoid or reduce effects, should be assessed within the framework of an AA and cannot be taken into account at the screening stage.

This proposal would result in the net addition of one unit and the applicant has not paid the required tariff (£328.27). The Local Planning Authority cannot therefore be satisfied that the proposal has put in place adequate measures to mitigate potential significant adverse effects on the Thames Estuary and Marshes SPA/Ramsar site. Therefore, the proposal in respect of ecology and biodiversity is contrary to Policy CS12 (LPCS) and Paragraphs 186 and 187 of the NPPF (2023).

Any Other Material Planning Considerations

None.

Conclusion & Recommendation

The proposal is acceptable in respect of occupier amenity, neighbouring amenity and parking and highway safety but would not be acceptable in respect of design, character and appearance and biodiversity. As such it is contrary to local and national planning policy.

Recommendation: Refusal

(For detailed reasons for refusal and informatives, see draft Decision)

Case Officer:	Ms Rebecca Harrison	Team Leader:	Richard Hart
Signed:	<i>Rebecca Harrison</i>	Signed:	<i>R Hart</i>
Dated:	10th June 2024	Dated:	10 th June 2024