
SUMMARY REPORT

Application Ref:	20251255
Site Address:	50 Whitehill Road, Gravesend, Kent, DA12 5PG
Application Description:	Change of use from a small house in multiple occupation (Use Class C4) to an 8-bedroom, 8-person, large HMO (sui generis) and provision of bicycle and bin stores to the rear.
Applicant:	Mr Richard Marshall
Agent:	Mr Darren Ridley, The Planning Station
Ward:	Whitehill and Windmill Hill
Parish:	Non Parish Area
Decision due date:	09.02.2026
Publicity expiry date:	14.01.2026
Decision Level:	Planning Committee
Reason for referral:	Call in by member
Recommendation:	Refusal

Summary of Reasons for Recommendations

- 1.1. The proposal is considered to be overdevelopment of the site, by virtue of the intensification of the use of the property by significantly increasing the number of occupants within the existing HMO in an area characterised by single-family dwellings, introducing an excessive number of occupants and activity over and above the surrounding residences, detrimentally impacting the amenity of surrounding residents through noise, disturbance and increased activity. Therefore, the proposal is contrary to Policies CS14 and CS19 of the Gravesham Local Plan Core Strategy (2014), Saved Policy H5 of the Local Plan First Review (1994) and Section 12 of the National Planning Policy Framework (2024).
- 1.2. The proposal fails to safeguard the amenity of future occupants due to the intensification of the use of the site, and it's altered layout which result in undersized bedroom, lack of communal areas and unsafe escape routes. The application is therefore contrary to Policy CS19 of the Gravesham Local Plan Core Strategy September 2014 and Section 12 of the NPPF (2024).
- 1.3. The applicant has failed to provide any ecological evidence to inform a habitat regulations assessment to address the impact of the proposed development on the Thames Estuary and Marshes Ramsar site and Special Protection Area (SPA) or offered a financial contribution towards the identified mitigation measures to address the impact of the development on the SPA/Ramsar site. The proposal is therefore contrary to Policy CS12 (Green Infrastructure) of the Gravesham Local Plan Core Strategy (2014) which seeks to ensure that detrimental effects on the integrity of SPA/Ramsar sites are avoided, and also contrary to Paragraphs 192 and 193 of the NPPF (2024), and the requirements of the Conservation of Habitats and Species Regulations 2017.

- 1.4. As the proposal fails to comply with the aforementioned adopted Development Plan policies and the NPPF (2024) refusal is recommended.

MAIN REPORT

2. Site Description and Surroundings

- 2.1. 50 Whitehill Road is a terraced property which has a Lawful Development Certificate for its change of use from a dwellinghouse to a 6 bedroom HMO. The operation of a dwellinghouse as a HMO for no more than 6 people is permitted development under Class L of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended. Planning permission is now required as it is proposed to increase the number of occupants from 6 to 8.

3. Relevant Planning History

Reference	Description	Decision	Decision Date
20250220	Application for a Proposed Lawful Development Certificate; single storey rear extension and loft conversion with rear/side dormer. Change of use from C3 dwellinghouse to C4 HMO.	Certificate Granted	02.05.2025

4. Proposal

- 4.1. This application proposes to increase the number of occupants within the HMO to 8. The proposal will alter the existing layout, with the shared living space and the study to be replaced with 2 bedrooms. The plans show that 7 of the units would contain a single bed, an ensuite, with shared kitchen and dining facilities on the ground floor. The 8th single bedroom would have no private bathroom facilities, there would be a shared WC and toilet available on the second floor. There are no external alterations or extensions proposed as part of this application.

5. Planning Policy, Development Plan and other Material Considerations

- 5.1. The Development Plan for Gravesham currently comprises:

Gravesham Local Plan Core Strategy and Policies Map, September 2014;
 Saved policies in the Gravesham Local Plan First Review, November 1994;
 The Kent Minerals and Waste Local Plan 2024 to 2039, March 2025.

- 5.2. The relevant policies for this proposal are as follows:

Gravesham Local Plan Core Strategy (2014)

- CS01 – Sustainable Development
- CS02 – Scale and Distribution of Development
- CS11 – Transport
- CS12 – Green Infrastructure
- CS14 – Housing Type and Size
- CS18 – Climate Change
- CS19 – Design and Development Principles

Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards
- T1 – Impact of Development on the Highway Network
- H5 – Increasing the Housing Stock by the Conversion of Existing Buildings

- 5.3. Paragraph 34 of the NPPF (2024) 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.
- 5.4. 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 (2024), the Council will also seek to replace these saved policies via the emerging Local Plan.

Other Material Considerations

National Planning Policy Framework (2024)

- Section 2 – Achieving sustainable development
- Section 5 – Delivering a sufficient supply of homes
- Section 9 – Promoting sustainable transport
- Section 11 – Making effective use of land
- Section 12 – Achieving well-designed places
- Section 15 – Conserving and enhancing the natural environment

Supplementary Planning Guidance

- SPG2 – Residential layout guidelines including Housing Standards Policy Statement October 2015 Adopted 1996 – amended June 2020
- Technical Housing Standards – National Described Space Standard (2015)
- SPG4 – KCC Parking Standards (2006)
- Gravesham Householder Extensions/Alterations Design Guide (2021)
- Design for Gravesham – Design Code SPD (2024)
- Guidance for HMO Amenity Standards (V2 2023)

6. Consultations and Publicity Responses

Neighbouring Properties

- 6.1. The application has been advertised by neighbour notification letters sent to 6 addresses within the vicinity resulting in a total of 38 comments being received, all objecting to the scheme

Summary of Objections

- There is an existing parking issue which would be exacerbated by the proposed development.
- The house only has parking provision for one car.
- 8 beds is too many for this property.
- Increase in refuse and waste with inadequate bin stores.
- Over-intensification of residential use.

- Harm to local amenity.
- Harm to character of the area.
- Noise and privacy impacts to residential neighbours.
- No sound insulation proposed.
- Increased fire risk.
- This is overcrowding.
- This would result in a lack of communal living space.

Matters raised such as party wall agreements, right of access, are private legal matters and not material planning considerations and cannot be assessed as part of this application.

External and Internal Consultees

Ward Councillors

No comments received.

GBC Private Sector Housing

Thank you for your recent consultation request regarding the above-mentioned proposal. Our observations are as follows, in relation to Drawing No 002-GA.

Proposed Bedroom 3 leading directly off of a high-risk room (communal kitchen) is not favourable. There is not a suitable means of escape nor secondary means of escape highlighted for this bedroom. We cannot accept the primary means of escape through a high-risk room.

Proposed Bedroom 3 (7.9m²) and Bedroom 5 (7.6m²) are undersized. Where rooms fall below 10m² required for combined bedroom and living space for single occupancy, additional communal space must be provided within the dwelling.

Changing the use of the current living space on the ground floor to a bedroom and the study on the second floor to a bedroom, impact the requirements for the remaining bedrooms. As there would be no separate communal living space, Bedroom 2 (7.5m²) and Bedroom 5 (7.5m²) would need to be reassessed as combined bedroom and living space.

We would welcome a 7 Person 7 Household HMO.

Where the HMO is the applicants preferred option, the team welcomes a conversation or site visit to the premises to discuss licencing and amenity requirements at the earliest opportunity.

Gravesham Borough Councils amenity standards can be found on our website at

<https://www.gravesham.gov.uk/licensing/houses-multiple-occupation-1>

Kent Police Designing Out Crime Team

We have reviewed this application in regard to Crime Prevention Through Environmental Design (CPTED) and in accordance with the National Planning Policy Framework (NPPF).

Applicants/agents should consult us as Designing out Crime Officers (DOCO's) to address CPTED and incorporate Secured By Design (SBD) as appropriate. We use details of the site, relevant crime levels/type and intelligence information to help design out the opportunity for Crime, Fear of Crime, Anti-Social Behaviour (ASB), Nuisance and Conflict.

There is a carbon cost for crime and new developments give an opportunity to address it. Using CPTED along with attaining an SBD award using SBD guidance, policies and academic research would be evidence of the applicants' efforts to design out the opportunity for crime.

We recommend SBD guidance is utilised to address designing out crime to show a clear audit trail for Designing Out Crime, Crime Prevention and Community Safety and to meet our Local Authority statutory duties under Section 17 of the Crime and Disorder Act 1998. The points below identify my recommendations for the layout and design of this scheme.

1. Perimeter, boundary and divisional treatments must be a minimum of 1.8m high. Any alleyways must have secure side gates, which are lockable from both sides, located flush to the front building line.
2. We advise against the use of parking courts as they can create an opportunity for crime. Where unavoidable, the areas must be covered by natural surveillance from an “active” window e.g. lounge or kitchen and sufficient lighting – the same recommendations apply to on plot parking bays. In addition, we request appropriate signage for visitor bays to avoid conflict and misuse.
3. Any pre-existing and new trees should help protect and enhance security without reducing the opportunity for surveillance or the effectiveness of lighting. Tall slender trees with a crown of above 2m rather than low crowned species are more suitable than “round shaped” trees with a low crown. New trees should not be planted within parking areas or too close to street lighting. Any hedges should be no higher than 1m, so that they do not obscure vulnerable areas.
4. Lighting. Please note, whilst we are not qualified lighting engineers, any lighting plan should be approved by a professional lighting engineer (e.g. a Member of the ILP), particularly where a lighting condition is imposed, to help avoid conflict and light pollution. Bollard lighting should be avoided, SBD Residential (Homes) Guide 2025 states: “19.3 SBD does not advocate the use of bollard lighting to achieve lighting uniformity. Bollard lighting is purely for wayfinding and can be easily obscured or damaged. It should be avoided, as it can increase the fear of crime, because it does not project sufficient light at the right height to recognise facial features.” Lighting of all roads including main, side roads, cul de sacs and car parking areas should be to BS5489-1:2020 in accordance with SBD and the British Parking Association (BPA) Park Mark Safer Parking Scheme specifications and standards.
5. If new external doorsets are proposed (a doorset is the door, fabrication, hinges, frame, installation and locks) including folding, sliding or patio doors, we recommend these to meet PAS 24: 2022 UKAS certified standard, STS 201 or LPS 2081 Security Rating B+. Please Note, PAS 24: 2012 tested for ADQ (Building Regs) has been superseded and is not suitable for this development.
 - 6. If new windows are proposed on the ground floor and any window that is easily accessible on any other level e.g. from flat roofs or balconies, we recommend these to meet PAS 24: 2022 UKAS certified standard, STS 204 Issue 6:2016, LPS 1175 Issue 8:2018 Security Rating 1/A1, STS 202 Issue 7:2016 Burglary Rating 1 or LPS 2081 Issue 1.1:2016 Security Rating A. Glazing to be laminated. Toughened glass alone is not suitable for security purposes.
7. Bedroom windows on the ground floor require a defensive treatment to deflect loitering, especially second bedrooms often used by children.
8. We recommend “A GUIDE FOR SELECTING FLAT ENTRANCE DOORSETS 2019” for buildings featuring multiple units, any covered access must deflect loitering that can stop residents and their visitors from using it without fearing crime. Entrance doors must be lit and designed to provide no hiding place.
9. For the main communal doors audio/visual door entry systems are required. We strongly advise against trade buttons and timed-release mechanisms, as they permit unlawful access and have previously resulted in issues with Crime and ASB.
10. Cycle and Bin Stores must be well lit and lockable, with controlled access for the residents. For cycle storage, we advise on the use of ground/ wall SBD or sold secure anchors within a lockable shed or storage area.
11. Mail delivery to meet SBD TS009 are strongly recommended for buildings with multiple occupants along with a freestanding post box of SBD/Sold Secure approved Gold standard. If mail is to be delivered within the lobby, there must be an access controlled door leading from the lobby to the apartments/ stairs on the ground floor to prevent access to all areas.

12. CCTV is advised for all communal entry points and to cover the mail delivery area.

If approved, site security is required for the construction phase. There is a duty for the principle contractor “to take reasonable steps to prevent access by unauthorised persons to the construction site” under the Construction (Design and Management) Regulations 2007. The site security should incorporate plant, machinery, supplies, tools and other vehicles and be site specific to geography and site requirements.

We welcome a discussion with the applicant/agent about site specific designing out crime. If the points above are not addressed, they can affect the development and local policing.

This information is provided by Kent Police DOCO's and refers to situational crime prevention. This advice focuses on CPTED and Community Safety with regard to this specific planning application.

7. Planning Analysis and Head of Planning Comments

Principle of Development

7.1. The principle issues in determining this application are as follows:

- Housing Need
- Suitability for Conversion
- Design
- Amenity of Future Occupiers
- Residential Amenity
- Parking and Highways
- Waste and Refuse

Housing Need

7.2. 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 planning applications should be determined in accordance with the development plan. Paragraph 12 of the National Planning Policy Framework (NPPF) (2024) 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 policymaking 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.”

7.3. 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 February 2025, it demonstrates that based on data up for the period 2024-2029, the Council can only demonstrate a land supply of 3 years.

- 7.4. 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) (2024). 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.
- 7.5. 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 paragraph 194) and/or designated as Sites of Special Scientific Interest;
 - land designated as Green Belt, Local Green Space, a National Landscape, a National Park (or within the Broads Authority) or defined as Heritage Coast;
 - irreplaceable habitats;
 - designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 75); and
 - areas at risk of flooding or coastal change.
- 7.6. 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 130(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.
- 7.7. The proposed development is for a net increase of two bedrooms from the approved HMO. However, HMOs cannot be counted as net additional dwellings. A HMO would only contribute towards the local housing need if the HMO were created by change of use from a non-residential building. As such the application does not affect the five-year housing supply

Suitability for Conversion

- 7.8. Adopted Policy C14 (Housing Type and Size) (LPCS) provides protection for existing housing stock by seeking to prevent the conversion of family sized units to smaller properties. In line with the NPPF (2024), it also stipulates that new housing development is expected to provide a range of dwelling types and sizes taking into account the existing character of the area and evidence of local need to create sustainable and balanced communities.
- 7.9. Policy CS14 (LPCS) is supported by saved policy H5 of Gravesham's Local Plan First Review (LPFR) (1994) which seeks to accommodate the growing numbers of smaller

households and provide low cost accommodation, while taking into consideration the character and amenity of existing housing areas where single family occupancy is the norm.

- 7.10. Policy H5 (i) states that buildings shall be in an appropriate area for conversion to flats, maisonettes, bedsits and multiple occupancy. It also notes that unless there are special or overriding circumstances, conversion will not normally be permitted in an area comprised for the most part of single-family dwellings. Policy H5 (ii) requires that the building shall be of such a size and arrangement to be generally unsuitable for single-family occupancy. A larger house under this policy is considered to be in excess of two storeys in height and have more than 6 habitable rooms.
- 7.11. The application property is located within the urban boundary of Gravesend, near to Whitehill Lane which links to Valley Drive and is an arterial road out towards the A2 motorway, with bus routes into the town centre. There is a small parade of shops nearby on Whitehill Parade, however the property is approximately 1.2km from the town centre, train station and larger amenities such as supermarkets and banks.
- 7.12. Although the site has already utilised permitted development rights for a change of use to a 6 person HMO, and this application seeks to intensify this use further, that starting point is that the property is not considered too large for single family occupancy. Therefore, the intensification of the lawful HMO use to an 8-bedroom sui generis HMO is contrary to saved policy H5 (ii). The proposal would therefore take the functionality of the property significantly above the threshold for operations expected for a single family dwellinghouse in an area characterised by single family occupancy. Moreover, there are concerns with the sustainability of the location.
- 7.13. As aforementioned, the site is located approx. 1.2km from the Town Centre and could therefore be reliant on the use of a car, or public transport to access larger amenities in the form of supermarkets, banks and the train station. There is a bus stop 4 minutes' walk from the property at Echo Square which has a regular route (every 20 minutes) to Gravesend Town Centre. This scheme represents an increase of 2 individuals occupying the property, as the property is already in use as a 6 bed, 6 person HMO an increase of 2 people is unlikely to make a significant materials difference. There is also a small parade of shops located on Whitehill Parade and Echo Square. Based on this assessment, this would be a sustainable location for an 8 bed HMO which increases the property for use by an additional 2 people only.
- 7.14. Therefore, it is considered that the building is inappropriate for conversion into smaller units by virtue of its size, and the resultant use being out of character within an area of single-family dwellings, and with proposed contrived internal layouts, as such it contrary to saved policy H5 (LPFR) and policy CS14 (LPCS). The proposal constitutes overdevelopment of a modest sized mid-terraced dwellinghouse.

Design

- 7.15. Policy CS19 (Development and Design Principles) (LPCS) states that new development will be visually attractive and locally distinctive. It should also conserve and enhance the character of the local built and natural environment and integrate well with the surrounding area. Moreover, Section 12 (Achieving well-designed places) of the NPPF (2024) sets out that developments should function well and add to the overall quality of the area, be visually attractive and sympathetic to local character.

- 7.16. The application site is within a predominantly residential area, consisting of two storey properties set behind front gardens and parking areas. Therefore, the area is suburban in character and made-up of single-family dwellings.
- 7.17. It is noted that the site is in use as a HMO, which was converted under permitted development to accommodate 6 bedrooms, which is not materially different to a single-family dwelling. This proposal will increase the occupants to 8 which would result in increased levels of activity, over and above what is typical from a single-family dwelling and could be considered out of character with the surrounding area. However, there would be no visual external changes to the building, and so the HMO would not impact on the character or appearance of the area by virtue of no operational development. Therefore, visual and design elements of the proposal is considered to accord with Policy CS19 (LPCS) and Section 12 of the NPPF (2024) and it would conserve and enhance the character of the local built, historic and natural environment,

Amenity of Future Occupiers

- 7.18. Policy CS19 (LPCS) seeks to ensure that the design and layout of new development accords with the adopted Residential Layout Guidelines (RLG) (2020). It also seeks to ensure that new development is fit for purpose and located, designed and constructed to safeguard the residential amenity, including privacy, daylight and sunlight, of existing and future occupants.
- 7.19. The Council's own adopted 'Guidance for HMO Amenity Standards' (2023) includes an appropriate room size for this application type.
- 7.20. GBC's Private Sector Housing have commented on this scheme advising that bedroom 3 and bedroom 5 would be undersized. If under 10m², additional communal space would be required within the dwelling. As this proposal replaces the communal spaces with bedrooms, this could not be accommodated within the dwelling. In addition, the existing bedrooms in the property below 10m² (bedroom 2 and 5), would be undersized, as they lose their communal living space and would be considered a combined bedroom and living space.
- 7.21. The Private Sector Housing Team also highlight that bedroom 3 would lead directly from the communal kitchen. This positioning does not provide a secondary means of escape for the bedroom, and so the primary means of escape for occupiers of this bedroom would be via the kitchen, which is a high-risk room itself.
- 7.22. The application property is detached, located on a relatively generous plot with a side garden and rear garden which would be accessed via the communal kitchen. As such it is considered that there is adequate external amenity space available on this property.
- 7.23. Overall, it is considered that the proposed conversion would not provide an adequate standard of living accommodation. The rooms provided are undersized, provide inadequate communal areas and unsafe escape routes, would be available for residents, as well as shared access of the external amenity space. Therefore, the proposal fails to safeguard residential amenity of future occupiers contrary to Policy CS19 (LPCS), Section 12 of the NPPF (2024).

Residential Amenity

- 7.24. Policy CS19 (LPCS) requires new development to safeguard the amenity, including privacy, daylight and sunlight, of its occupants and those of neighbouring properties and

land and paragraph 135(f) of the NPPF (2024) requires development to have a high standard of amenity for existing users (in this case surrounding properties).

- 7.25. There is not considered to be any detrimental impact on the amenity of neighbouring properties in terms of overshadowing, overlooking, loss of outlook or sense of enclosure, by virtue of there being no additional development through extensions to the existing property. However, the proliferation of the use of the building and the increase in the number of residents within the building would have an impact in terms of noise and disruption.
- 7.26. Although there are many types of families, the nuclear family is typical and generally consists of parents and children. In this case, the proposal would serve 8 unrelated adults, and this would likely have a greater impact in terms of comings and goings, noise, refuse and general intensified use over and above that which a standard family home would generate, and so it would likely have a greater impact on neighbours due to the alternative pattern of use.
- 7.27. The site is located within an area characterized by single family occupied properties and the proliferation of the use could have detrimental impacts on the amenity of surrounding residents. It will be materially different to the operation of the house as a single-family dwelling (or a modest 6-bedroom HMO). Several representations received from neighbours have highlighted issues with noise and antisocial behaviour from its operation as a HMO with 6 residents. The increase in occupancy would be likely to intensify comings and goings, general activity and associated noise beyond that expected from either a single dwellinghouse or a modest 6-person HMO.
- 7.28. As such, the proposal would cause unacceptable harm to the living conditions of neighbouring residential properties through noise and disturbance contrary to Policy CS19 (LPCS), saved policy H5 (LPFR) and Section 12 (paragraph 135) of the NPPF (2024).

Parking and Highways

- 7.29. Any new development should have an acceptable amount of parking, not be detrimental to the highway network and promote sustainable transport methods, to accord with saved policy T1 and P3 of Gravesham Local Plan First Review (1994), Policy CS11 (LPCS) and Section 9 of the NPPF (2024).
- 7.30. The property does not benefit from any off-street parking provision. Therefore, any residents with a private motor vehicle would have to park on the pavement, which is the case for many other properties in the area. Although, the increased number of occupiers would likely result in an increase in the number of car users, the inspector for a recent appeal decision for a similar scheme ref 2024/00007/REF for Change of Use from a 6 person HMO (Class C4) to a 11 person HMO (sui generis) at nearby Christianfields Avenue stated:

“there would be sufficient on-street parking provision to accommodate additional vehicle parking arising from the development. Whilst reference has been made to the high demand for pavement parking, there is no detailed evidence provided by the Council of this and nor was this reflected during my site visit, where there was a significant availability of parking during a weekday morning. Whilst this only provides a snapshot in time, my observations along with the evidence submitted by the appellant demonstrates that there would not be an adverse impact on on-street parking.”

- 7.31. Given the similarity of the appeal decision, in both site context and proposal type, it would be reasonable in this case to consider the conclusion drawn by the inspector. That the uplift in parking requirements would not result in an adverse impact on on-street parking.
- 7.32. In this instance residents have commented advising that there is an existing parking issue in the area. In their Design and Access/Planning Statement, the applicants have stated that there are no parking controls in the area, including any controlled parking zones for permit holders so roadside parking is available on both sides of the road.
- 7.33. It is noted that some properties along this road do have driveways and so whilst parking is unrestricted the presences of driveways limits on street parking availability somewhat. No parking survey has been submitted by the applicant and so it is difficult to say with any certainty what the status of parking availability is like, particularly during peak hours. It is also noted that Whitehill Road is not a wide road and so parking on both sides of Whitehill road is unlikely to be possible or desirable, as it would cause obstruction for passing vehicles. However, Coombe Road and Laurel Avenue do appear to be wider and there may be more parking spaces available at these locations. Albeit Google Maps and a general visit to the area would indicate that the availability of parking spaces is somewhat limited.
- 7.34. Ultimately, the extent of the change must be considered, and how that would impact the parking situation. This application would increase the number of occupiers by 2. Therefore, potentially resulting in an increase of 2no. vehicles. Whilst no parking survey has been provided, the impact of 2 vehicles in this location, where on-road parking would potentially be available, is unlikely to harm the functioning of the local highway network.
- 7.35. It is also noted that the proposed development would include provision of 8no. cycle parking spaces, which would promote active travel methods and would be secured by planning condition, if approved.
- 7.36. The development would not have an unacceptable adverse impact on highway safety through carparking, and as such is in accordance with saved policies H5 and P3 of the Local Plan First Review (1994), Policy CS11 (LPCS) and paragraph 115 of the NPPF (2024).

Waste and Refuse Arrangements

- 7.37. The provision of suitable arrangements for waste storage is a condition of issuing a HMO license. The plans indicate bins positioned to the rear of the property, containing 4 bins, however there are no details of their size (ltrs), whether this includes recycling bins and no specific food waste provision.
- 7.38. The quantity of bins required proposed for the 8 person HMO will be out of character with the surrounding area. However, a suitable bin store would ensure that the quantity of bins are screened and the impact on the area minimised. The proposed site plan indicated the position of the bins in the rear garden and there would be sufficient space here to provide a bin store. However, it is noted that comments were received stating there was no right of access for movement of bins in the rear alley. Whilst this is not a material planning consideration, should the bin store be necessitated to the front of the property, it is considered that there would be adequate space for such a bin store. Therefore, subject to a condition requiring full details of the number and size of bins, as well as the plans and elevations of the store (which should be of timber construction), the development would accord with Policy CS19 (LPCS).

Special Protection Area (SPA) and SAMMS

- 7.39. The Thames Estuary and Marshes Ramsar site and Special Protection Area (SPA) are internationally important for nature conservation as the area is a wetland and supports important numbers of wintering water birds and migrating birds. There has been a decline in the number of birds using these sites in recent years. Studies show that this could be due to people using the estuary and marshes for recreation purposes. The North Kent Bird Disturbance Report concludes that all new housing development within 6km of the North Kent Ramsar Sites or Special Protection Areas (including the Thames Estuary and Marshes) and larger housing development beyond 6km from the sites could have an adverse impact on them. This is because new housing development is likely to lead to further increases in recreational use of the sites, which means that further declines in the bird population cannot be ruled out. Possible mitigation measures are set out in the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring Strategy. Having considered a number of options, the Council has resolved to impose a tariff on new development including HMO's. Developers will need to pay £337.49 for every net increase in bedrooms within a HMO, provided within 6km of the Ramsar site and SPA and for larger housing developments beyond 6km from them. The money raised will be used to pay for schemes to avoid the adverse impacts of new housing development on the birds.
- 7.40. In this instance, the proposed development would result in the creation of 2 additional bedrooms in this HMO property and as such, additional recreational activity would result. Therefore, it is considered that there would be an adverse impact to the Thames Estuary and Marshes Ramsar Buffer Zone, which should be mitigated in line with Policy CS12 (LPCS). In such cases the Borough Council has adopted a tariff that is payable for each new dwelling unit within 6km of the SPA/Ramsar site of £337.49 per new dwelling unit.
- 7.41. The applicant has failed to provide any ecological evidence to inform a habitat regulations assessment to address the impact of the proposed development on the Thames Estuary and Marshes Ramsar site and Special Protection Area (SPA) or offered a financial contribution towards the identified mitigation measures to address the impact of the development on the SPA/Ramsar site and therefore has not met the requirements of the Habitat Regulations and Section 15 (specifically paragraphs 192 and 193) of the National Planning Policy Framework (2024) and Policy CS12 of the Gravesham Local Plan Core Strategy (2014).

Human Rights

- 7.42. The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the Convention of the same Act which sets out his/her rights in respect for private and family life and for the home. Officers consider that the proposed development would be contrary to the provisions of the above Articles in respect of the human rights of surrounding residents/occupiers due to the severe harm it would cause to the amenity of future occupiers and occupiers of neighbouring properties.

Equalities

- 7.43. The application has been considered in accordance with the Council's Equality Policy, which seeks to prevent unlawful discrimination, promote equality of opportunity and good relations between people in a diverse community. In this case the proposed development is not anticipated to have any potential impact from an equality perspective.

8. Conclusion

- 8.1. The proposal would result in an over-intensive form of occupation within a modest mid-terraced dwellinghouse in an area characterised predominantly by single-family dwellings. The increase in occupants, activity and associated noise and disturbance would be harmful to the character of the area and the amenity of surrounding residents. Therefore, the proposal is contrary to Policies CS14 and CS19 of the Gravesham Local Plan Core Strategy (2014), Saved Policy H5 of the Local Plan First Review (1994), Section 12 of the National Planning Policy Framework (2024) and Article 8 of the Human Rights Act 1998.
 - 8.2. The proposal fails to safeguard the amenity of future occupants due to the intensification of the use of the site, and it's altered layout which result in undersized bedroom, lack of communal areas and unsafe escape routes. The application is therefore contrary to Policy CS19 of the Gravesham Local Plan Core Strategy September 2014, Section 12 of the NPPF (2024) and Article 8 of the Human Rights Act 1998.
 - 8.3. The applicant has failed to provide any ecological evidence to inform a habitat regulations assessment to address the impact of the proposed development on the Thames Estuary and Marshes Ramsar site and Special Protection Area (SPA) or offered a financial contribution towards the identified mitigation measures to address the impact of the development on the SPA/Ramsar site. The proposal is therefore contrary to Policy CS12 (Green Infrastructure) of the Gravesham Local Plan Core Strategy (2014) which seeks to ensure that detrimental effects on the integrity of SPA/Ramsar sites are avoided, and also contrary to Paragraphs 192 and 193 of the NPPF (2024), and the requirements of the Conservation of Habitats and Species Regulations 2017.
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9. Recommendation

- 9.1. That the application be DELEGATED to the Head of Planning to refuse Planning PERMISSION