

Delegated Report

Householder Planning Application

Planning Application No: 20220948

Location: 55 Mitchell Avenue Northfleet Gravesend Kent

Description: Demolition of existing conservatory and erection of a single storey rear extension.

Applicant: Eftiola & Elidon Bashllari

Site Visit Date: 23 November 2022

Submitted Documents/Plans

Householder Planning Application form;
Drawing no. 01 002 Rev. A Existing ground floor layout;
Drawing no. 02 002 Proposed ground floor layout;
Drawing no. 01 002 Existing rear elevation;
Drawing no. 02 001 Proposed block plan;
Drawing no. 02 003 Proposed roof plan;
Drawing no. 02 002 Proposed rear elevation;
Drawing no. 01 001 Location plan and existing block plan;
Drawing no. 01 003 Existing roof plan;
Drawing no. 01 010 Existing north western side elevation;
Drawing no. 01 012 Existing south eastern side elevation;
Drawing no. 02 010 Proposed north western side elevation;
Drawing no. 02 012 Proposed south eastern side elevation;
Details of parking arrangements (03.10.22)
Letter dated 06 September 2022; and
Site photographs x 2.

Superseded Documents/Plans

Householder Planning Application form;
Drawing no. 02 002 Proposed ground floor layout;
Drawing no. 01 002 Existing ground floor layout;

Procedural Issues

Following a request for clarification from the case officer, the applicants confirmed that the proposed development would encroach over the boundary with no. 53 Mitchell Avenue and as such, notice was served on the owner/occupier of that property and ownership certificate B was submitted.

Following a request by the case officer, the applicants submitted details of the existing and proposed vehicle parking arrangements for the application site.

Following a site visit, the description of the development was amended by the case officer to remove reference to the demolition of the existing garage, because the garage has already been demolished.

Relevant Planning History

None.

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS11 – Transport
- CS12 – Green Infrastructure
- CS18 – Climate Change
- CS19 – Development & Design Principles
- CS20 – Heritage and the Historic Environment

Gravesham Local Plan: First Review (1994)

- T1 – Impact of Development on Highway Network
- P5 – Exceptions to the Vehicle Parking Standards – Change of Use of Buildings
- TC7 – Other Archaeological Sites

Paragraph 33 of the NPPF (2021) 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 (2021), the Council will also seek to replace these.

National Planning Policy Framework (2021)

- 2 – Achieving Sustainable Development
- 12 – Achieving sustainable development and well-designed 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

GBC – Highways Officer

Initial response:

The property currently benefits from a garage in the rear garden and access would be compromised by the provision of this extension. There is no other suitable area for parking as Kent County Council's requirements as Highway Authority, for a new carriage crossover is for the parking space to be perpendicular to the highway and be a minimum of 4.8 metres deep, which cannot be achieved in the front garden.

See extracts from Vehicle Crossing: - Guidance and Self Assessment issued by KCC

1 Is there enough space in your garden?

No part of a vehicle parked within your property may project on to or over the highway. The vehicle access crossing may not be used as a parking area and no part of it is exempted for the purpose of footway parking. In order to comply, the parking space must be:-

- at least 4.8m long between the back of the pavement or property boundary (the face of any wall, fence or hedge for example) and the front of your building.
- Or at least 6m long where the parking area is in front of a garage or door where adequate means of escape needs to be provided, like a front/back door, escape window etc. If you have any questions on the adequate means of escape please contact your local Kent Fire and Rescue Service, Safety Office.

The parking space must be:-

- At a right angle to the highway with the vehicle able to enter and exit the property in one movement.
- There must be no adjusting movements of a vehicle made on the highway when entering or exiting the property.

Approval to construct and use a vehicle crossing is only given to allow vehicles to cross from highway to private property and back, and for those vehicles to be parked wholly off the highway and not overhanging highway at all (highway includes carriageway, footway and verge). Property Owners/Occupiers will be notified if a breach of this condition occurs and if it continues after notification KCC reserve the right to remove the vehicle access with immediate effect by reinstating the highway to its original state and recharging costs of any related works to the owner and/or occupier as appropriate

https://www.kent.gov.uk/_data/assets/pdf_file/0004/27688/Vehicle-crossing-pre-application-guidance.pdf

On this basis I have no option but to recommend refusal.

Second response:

Since my earlier comments on this proposal, Kent County Council have revised their guidance regarding the formation of carriage crossovers and now permit parking parallel to the highway.

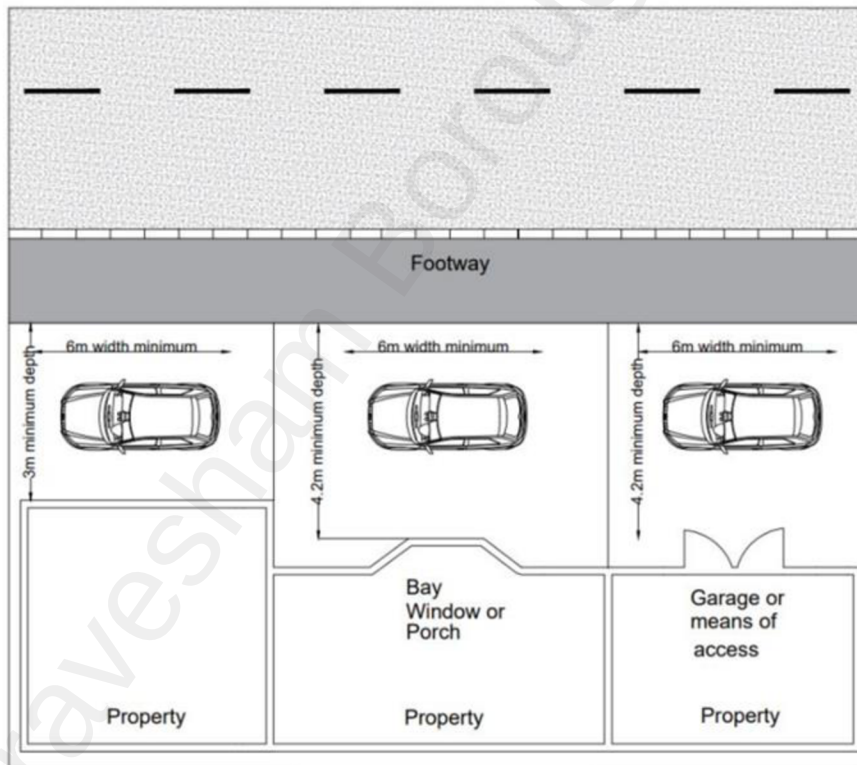
This guidance is considered defective and has been raised with the County Council. Pending the outcome of the review, the recently issued guidance will be used, as that is what the County Council would apply if a request were made direct to them.

The Kent County Council document; Dropped Kerb:- Application Guidance gives the following information

Space Criteria Table- Minimum Measurements Required. Table 1 Ref.

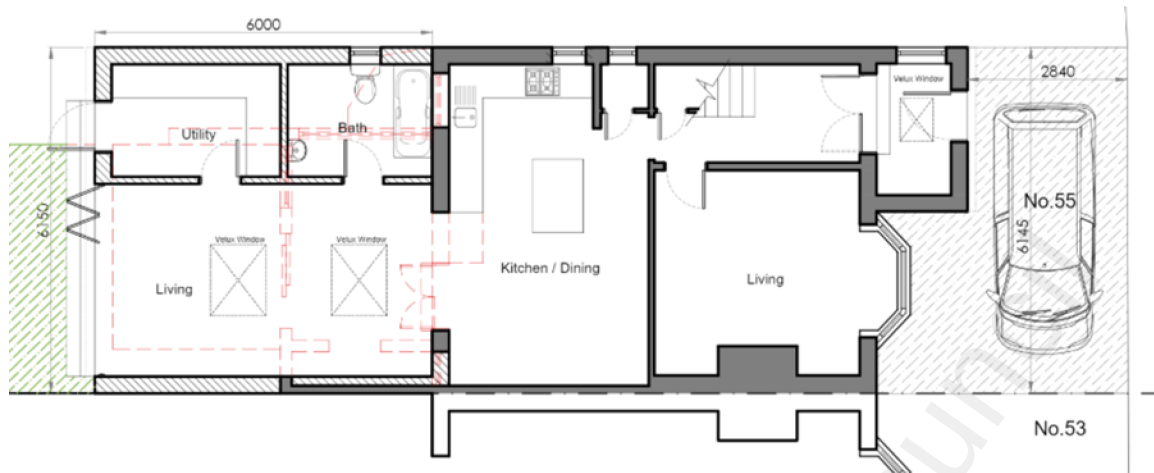
How will you park the car	Width(minimum)	Depth(minimum)
A/ Perpendicular -Parking area at right angles to the road	2.4 metres	4.8 metres
B/ Perpendicular with access Point - Parking area in front of access door or garage	2.4 metres	6 metres
C/ Parallel -Parking area parallel to the road	6 metres	3 metres
D/ Parallel with access point – Parking area to parallel to the road	6 metres	4.2 metres
E/ Separate Entrance and Exit - Driving on and off the parking area	15 metres	4.2 metres

Diagram C & D: Parallel Parking:



https://www.kent.gov.uk/_data/assets/pdf_file/0003/139485/Dropped-Kerb-Application-Guidance.pdf

The submitted drawing for the proposed car parking in the front garden shows the following:-



This clearly demonstrates that the proposal does not meet the Kent County Council requirements, of 3 metres minimum depth increasing to 4.2 metres in front of a means of access to the property to ensure there is sufficient pedestrian access or egress in the event of an emergency.

My recommendation remains one of refusal.

GBC – Environmental Protection Team (Regulatory Services)

Environmental Protection has no objection to this application. The site falls within 250 metres of the Springhead Road former landfill site. As ground-breaking will be involved, a watching brief condition is recommended with regards to any potential contamination issues. It is recommended that the following also be considered and conditioned as necessary:

Contaminated Land:

The applicant shall undertake a watching brief during construction in case any contamination issue is encountered. If during development any contamination is found, the local planning authority should be informed as soon as practical and the work shall not continue until written agreement is provided by the LPA as to the appropriate measures to be taken to resolve the matter and they are satisfied that those measures have been carried out.

Code of Practice on Construction and Demolition:

Please apply to prevent nuisance from noise and dust during demolition and construction occurring to nearby premises

Smoke Control Informative:

The proposed development is situated in a smoke control area. As such, only authorised smokeless fuels as listed in the Smoke Control Areas (Authorised Fuels) Regulations 1991 shall be burnt or fireplaces/appliances exempted by Smoke Control (Exempted Fireplaces) Orders shall be utilised. Exempt appliances are appliances (ovens including pizza and tandoori ovens, wood burners and stoves) which have been exempted by Statutory Instruments (Orders) under the Clean Air Act 1993. These have passed tests to confirm that they are capable of burning an unauthorised or inherently smoky solid fuel without emitting smoke. They must be fitted and used according to manufacturer's instructions and they can only be used for the fuel for which they are designed. When purchasing fuels and fireplaces the applicant should clarify with the vendor their suitability with respect to use in Smoke Control Areas. For further information, including confirmation that an appliance and/or fuel is suitable for use in a smoke control area, the applicant should contact the Council's Regulatory Services air.quality@gravesham.gov.uk

Drainage/sewerage informative:

The foul sewage shall be removed by means of the mains drainage system and not by the use of non-mains sewerage systems, unless connection to the drainage system is not reasonably practicable.

Neighbouring properties

The application was publicised by a site notice and to four neighbouring properties by letter. One

representation has been received and is summarised as follows;

- The garage has already been demolished.
- No objection to the proposed development.

Officer's Analysis

Design, Character and Appearance

The proposed development would be of a design that would match with the existing building and those in the surrounding area. Although large in footprint, it would just about be subservient in size and scale to the existing building and would not be out of character with it.

The proposed external facing materials would be brickwork with a flat felt roof. However it is noted that the existing walls of the application property are render and pebble dashed. Therefore the proposal would not match with the existing external facing materials. However as the extension is located to the rear and single storey, it is not considered necessary for the materials to match. It provides an interesting contrast to the current render.

It is noted that under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO 2015), an extension with a depth of 6 metres would not require planning permission (subject to meeting various criteria and following a prior approval procedure). Planning permission in this instance is required due to the encroachment over the site boundary and the height of the proposed eaves exceeding three metres, within two metres of the site boundary.

Overall it is considered that the proposal would be in line with Policy CS19 of the Gravesham Local Plan Core Strategy September 2014.

Amenity of Future Occupiers

According to the Residential Layout Guidelines (June 2020) (RLG), a three bedroom dwelling should have a minimum garden area of 60 square metres with a depth of 10 metres. Currently the application site has a 127 square metre rear garden with a 16 metre depth (excluding an outbuilding at the rear), which is well above the RLG requirement. The proposed development would reduce the rear garden area of the application property to 102 square metres, with depth of 12 metres, which would still be above the RLG requirement and provide a good standard of living for future occupiers.

In order to prevent a loss of privacy for future occupiers, the proposed bathroom window should be conditioned to be permanently obscure glazed.

Overall, with the condition suggested, it is considered that the proposal would not be detrimental to the residential amenity of future occupiers and would be in line with Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014).

Neighbouring Amenity

The closest residential properties to the application site are nos. 53 and 57 Mitchell Avenue (located to the south east and north west respectively). Nos. 23 to 27 Mitchell Avenue are located to the north east, across the roadway and Wombwell Park is located to the south west.

No. 53 Mitchell Avenue adjoins the application property and the rear boundary treatment between the two dwellings is only some 1.25 metres in height. Due to the height and depth of the proposed extension, some adverse overshadowing and overbearing impacts would affect no. 53. However due to the orientation of the dwellings and the size of their rear gardens, these impacts would not be so significant as to warrant the refusal of planning permission.

No proposed windows would face no. 53 Mitchell Avenue and in order to ensure that there would be no future adverse overlooking impacts, a condition would be attached to any planning permission granted to preclude the insertion of new windows in the south eastern side elevation of the proposed extension.

Therefore there would be no adverse overlooking impacts to the occupiers of no. 53.

Due to the design of the proposed development and to the separation between it and no. 57 Mitchell Avenue, there would be no adverse overshadowing or overbearing impacts to the occupiers of that dwelling.

The proposed development would introduce a new kitchen window (with a sill height of some two metres) in the north western side elevation of the application property (facing no. 57 Mitchell Avenue) and there would be a bathroom window in the side elevation of the proposed extension that faces no. 57. No 57 has a first floor hallway window in its side elevation (a non-habitable room) and the existing rear boundary treatment would screen any overlooking impacts from either of the proposed windows. Therefore there would be no adverse overlooking impacts to the occupiers of no. 57.

Overall the proposed development would not be detrimental to the residential amenity of surrounding occupiers and would be in line with Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014).

Parking and Highways

Mitchell Avenue is on a bus route and has unrestricted on-street parking but which is in high demand. The application site is located opposite a bus stop, where the roadway is narrowed by a projected area of pavement. Therefore any additional on-street parking in the vicinity of the application site is likely to be detrimental to highway safety.

The application property has three bedrooms and originally had on-site parking for one vehicle in a garage at the rear. However it is noted that the garage has been demolished and no planning permission or prior approval was required for that demolition. It is also noted that there is a shared driveway with no. 57 Mitchell Avenue and the front garden of the application site is block paved and used to park one vehicle. The proposed development would not alter the existing frontage parking provision.

The GBC Highways Officer has raised an objection to the proposed development on the grounds that the property currently benefits from a garage in the rear garden whose access would be compromised by the provision of this extension and there is no other suitable area for parking on-site. These comments were based on the submitted drawings and the original description of the proposed development, which included the demolition of the garage.

The applicants have stated that the original garage was not of sufficient in size to park a vehicle and as shown on the submitted drawings, the dimensions of the garage would not have met the minimum size for a single garage set out in the KCC Parking Standards (2006).

The existing frontage parking arrangement does not meet the KCC standard for a vehicle parking space that is located parallel to the roadway but it is an existing situation and although the hardstanding is over five square metres in area and located in front of the principal elevation of the dwelling, it is made of porous materials and as such, would not have needed planning permission to construct or be used for parking. It is noted that numerous surrounding properties have similar parallel frontage parking spaces.

On balance, it is considered that the loss of the garage at the application site is a negative feature of this proposal. However there are no planning grounds on which its demolition could have been prevented. The frontage parking arrangement is substandard but it is currently used to accommodate a vehicle (and there are no planning grounds to preclude this). Therefore the application site would retain one substandard off road parking space i.e. there would be no change to the existing situation. It is important to note that the neighbouring property does not have parking to the rear, despite the driveway access.

Overall it is considered that there would be no significant detriment to highway safety and the proposed development would be in line with Policy CS11 of the Gravesham Local Plan Core Strategy 2014 and Saved Policies T1 and P5 of the Gravesham Local Plan First Review (1994).

Any Other Material Planning Considerations

The application site is located within the buffer zone of the South of Springhead Historic Landfill Site and the GBC Environmental Protection Team have set out the wording for a watching brief condition. Therefore provided that this condition is attached to any planning permission granted, then there would be no adverse ground contamination impacts.

The application site is also located within Groundwater Source Protection Zone 1, in an area of multi-period archaeological potential, a smoke control area and is in close proximity to a gas pipeline (along the site frontage). However, as the works would be relatively minor and would be located within the confines of an existing residential rear garden, it is considered that there would be no adverse impacts to groundwater, archaeology or gas infrastructure. Advice regarding smokeless fuels/appliances and drainage can be given to the applicants in informatives attached to any planning permission granted.

The issues raised by a local resident have been taken into consideration in the determination of this application. Specifically, the description of the proposed development has been amended to remove the reference to demolition in order to reflect the fact that the garage has already been demolished.

Suggested Conditions

Time Limit

Development in accordance with the approved plans

Materials to be in accordance with the details submitted.

Obscure glazing to bathroom window

No further openings in side elevation facing no. 53 Mitchell Avenue

Contamination watching brief

Conclusion & Recommendation

The proposal would comply with local and national planning policies and subject to the conditions set out above, the proposal would be acceptable.

Planning permission subject to conditions is recommended.

(For detailed conditions and informatives, see draft Decision)

Case Officer:	Mrs Kelly Joyce	Team Leader:	Miss Faye Hobbs
Signed:		Signed:	
Dated:	24th November 2022	Dated:	25 November 2022