



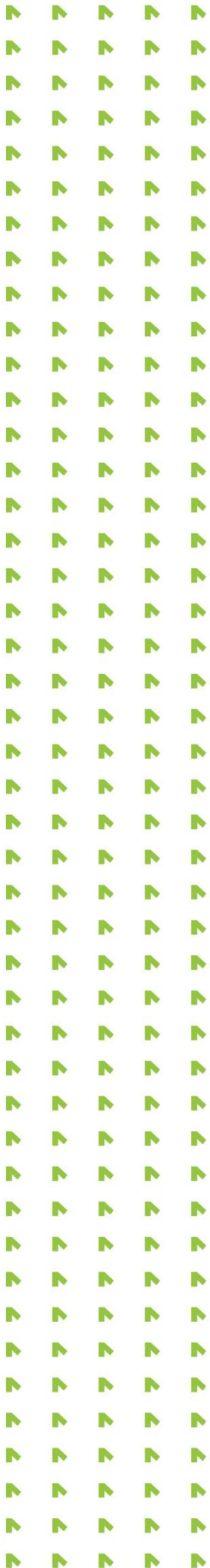
Planning Statement

**No. 17 Darnley Road
Gravesend DA11 0RZ**

Regulated by RTPI

June
2025

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INTRODUCTION

- 1.1 This Planning and Heritage Statement has been prepared on behalf of Hayer Investments South Ltd in support of a full planning application for the removal of a non-original bay window and replacement of all existing windows at No. 17 Darnley Road, Gravesend, DA11 0RZ.
- 1.2 The Statement addresses the following matters:
- A description of the site and surroundings;
 - A review of the background and history of the site;
 - A summary of the development proposal;
 - An assessment of relevant planning and heritage policy;
 - An appraisal of the relevant planning and heritage issues, and
 - Conclusions.
- 1.3 The Statement should be read in conjunction with the following documentation submitted in support of the full planning application:
- Drawings Package (prepared by Sub Rosa Architecture).
- 1.4 The submissions conclude that the development proposal is acceptable and supportable in planning terms.

2 SITE AND SURROUNDINGS

- 2.1 Located on the eastern side of Darnley Road, the application site comprises a three storey Georgian era mid-terrace property with habitable floorspace within the basement and roof space. The dwelling was historically occupied as a single dwellinghouse but as examined further within Section 3 of this Statement, currently benefits from full planning permission for its subdivision into three self-contained dwellings under application **Ref 20220831**.
- 2.2 At ground floor level the property features a wide, full-height canted bay window shopfront above similar window panes at lower ground floor level installed in the early 20th century when the ground floor was converted from residential to commercial use. At upper floor level meanwhile the property benefits from two windows at both first and second floor level with two sets of balconettes and non-original blind boxes as existing and a traditional six over six layout.
- 2.3 To the rear of the property, there are six windows, which consist of three six over six timber sash windows (along with balconettes on the upper two matching those at second floor level to the front).
- 2.4 As discussed in further detail within Section 6 of this Statement, all windows on site are single glazed, energy inefficient and in a poor state of disrepair.
- 2.5 The front garden has historically been replaced with hardstanding, however the existing boundary railings between Nos. 17 and 19 and will be retained as part of this application.
- 2.6 The surrounding area is varied in character with a range of residential and commercial units befitting of this edge of town centre location. Accordingly, the site benefits from close proximity to wide-ranging amenities including Thamesgate Shopping Centre, Gravesend Community Hospital, an ASDA Supermarket and many Class E commercial units.
- 2.7 To the north, the site is framed most immediately by Rathmore Road beyond which lies Gravesend Railway Station, whilst Rathmore Road public car park stretches 130 metres to the east. The site also backs onto the 1.5 storey Lewis Solomon Funeral Service to the south beyond which lies the terrace of Nos. 30-33 Cobham Street.
- 2.8 Importantly, the site lies within the northern edge of the Darnley Road Conservation Area, as part of the Darnley Road Character Area. The building stock in the immediate surrounding area retains a strong visual character with several Victorian and Edwardian three storey terrace and semi-detached properties with raised basements that have been subdivided into flats in more recent years.
- 2.9 It is confirmed that there are no statutory listed buildings within the site curtilage. The listed buildings in closest proximity to the site are the Statue of Queen Victoria (75 metres away), Gravesend Railway Station (Upside and Downside) (140 and 190 metres away), the Bronte School and Attached Conservatory (115 metres away), the Railway Bell Public House (185 metres away) and 20-24 Stone Street (270 metres away).
- 2.10 Please refer to the images and photographs of the site below and overleaf.

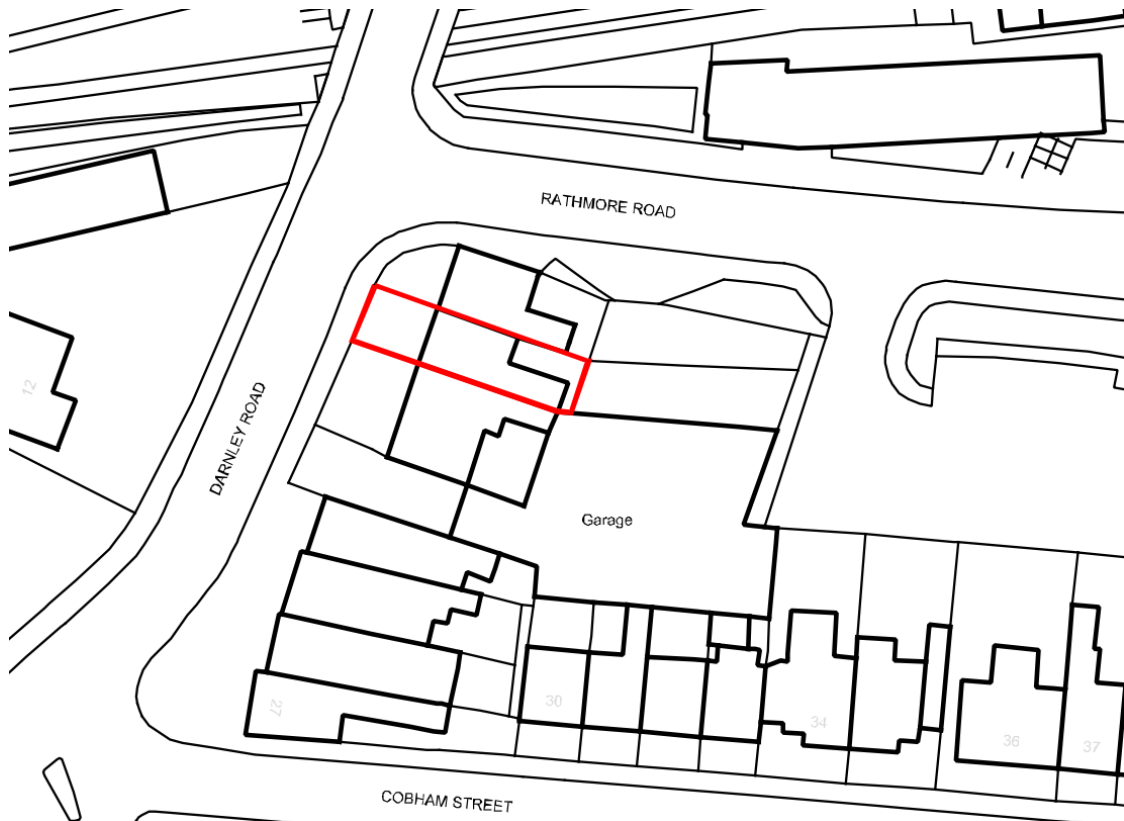


Image 1: Extract of the site location plan showing the location of the site in the context of its immediate surroundings.

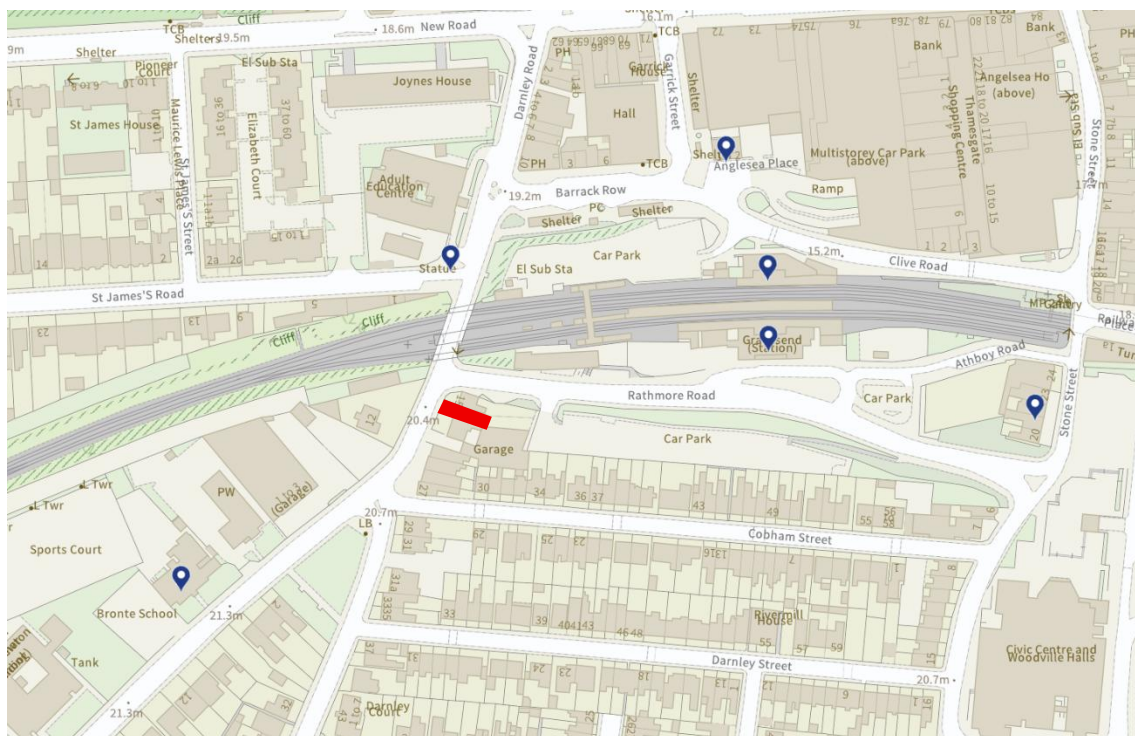


Image 2: Map showing the listed buildings in closest proximity to the site (outlined in red).

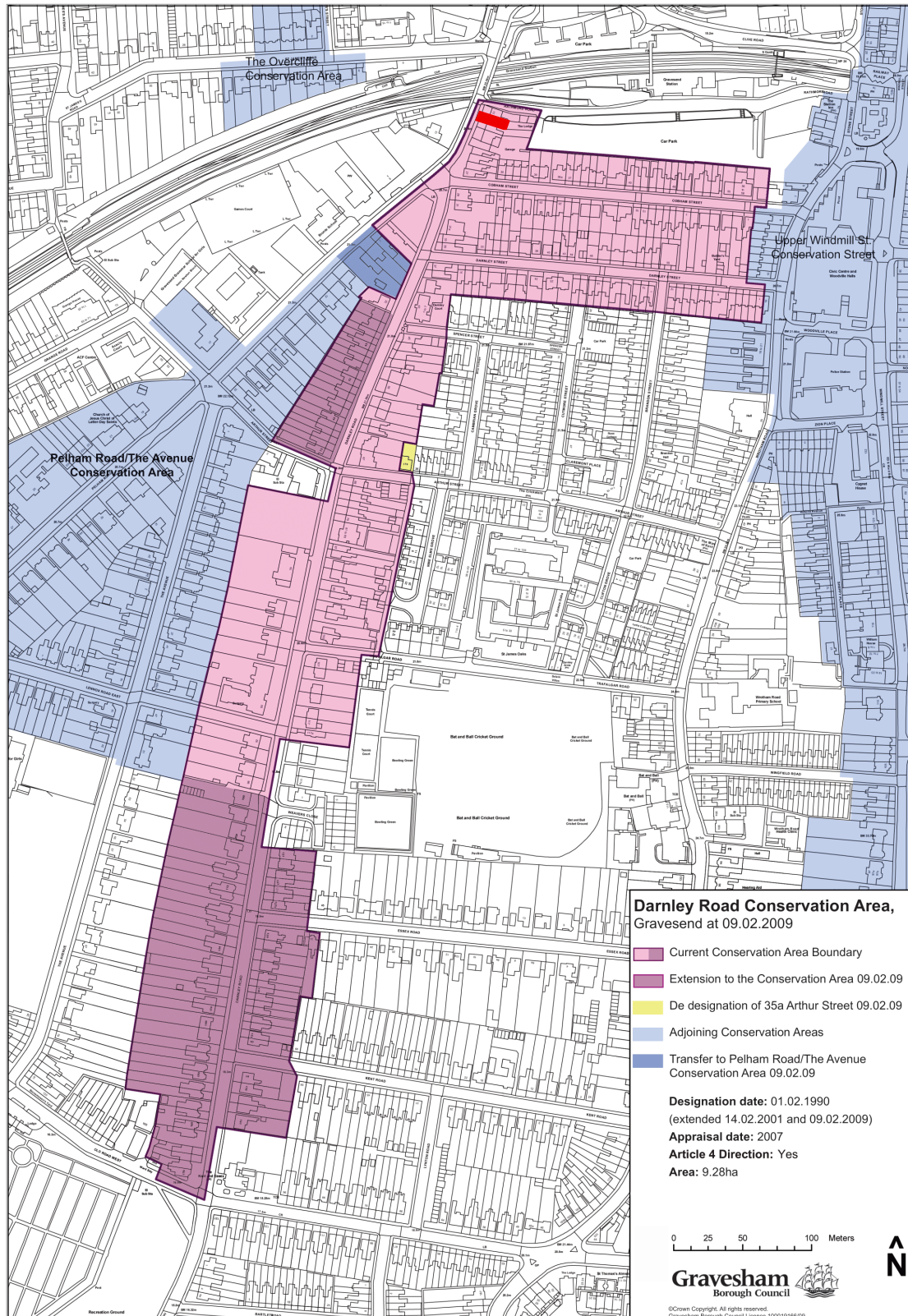


Image 3: Map showing the location of the site (outlined in red) in the northern most part of the Darnley Road Conservation Area.



Image 4: Street level photograph of the site facing east, showing the later addition of a ground floor bay shopfront window. The neighbouring property at No. 15 Darnley Road also displays aluminium windows throughout with uPVC windows at multiple floor levels of No. 19 Darnley Road.



Image 5: Overhead rear view of the site (outlined in red) facing west.



Image 6: Overhead front view of the site (outlined in red) facing east.

3 PLANNING HISTORY

The Site

- 3.1 The site itself has been subject to one previous planning application of relevance as summarised below.
- 3.2 Application (**Ref 20220831**) was submitted in 2022 for the *'subdivision of the existing dwellinghouse to create three self-contained units with associated amenity space'* - **Granted Permission 5th January 2023** (please refer to the Decision Notice and Committee Report enclosed here at **Appendix 1** and **2**).
- This development has since been implemented on site.

Surrounding Area

- 3.3 The following application for the parcel of land to the immediate rear of the site is also considered relevant to the assessment of this application.
- 3.4 Application (**Ref 20231301**) at land to the rear of 15-17 Darnley Road was granted approval for the *'construction of a three storey building with habitable roof space to accommodate seven apartments with associated pedestrian access, private and communal amenity space, refuse and cycle storage'* – **Granted Permission 14th May 2024** (please refer to the Decision Notice and Delegated Report enclosed at **Appendix 3** and **4** respectively)
- Importantly, this application granted approval for the installation of contemporary aluminium windows within the Darnley Road Conservation Area and is currently under construction.
- 3.5 The following planning applications also within the Conservation Areas within Gravesham are considered to be of relevance to this application:
- 3.6 Initially, an application (**Ref 20160741**) was submitted at No. 4 Melbourne Quay for the *'replacement of 2 no. sash windows and 1 no. bay windows to front elevation'* – **Granted Permission 21st September 2016** (please refer to the Decision Notice enclosed at **Appendix 5**).
- Here, the replacement of two sets of twelve over twelve vertically sliding timber sash windows with two EcoSlide uPVC windows was deemed acceptable within the High Street and Queen Street Conservation Area.
- 3.7 An application (**Ref 20200510**) was then made at the for the *'removal of rotten sash windows from the bay window fronting the property, replace with timber-foil-wrapped, PVCu sash windows (new windows will be the same size and fit in the same openings)'* – **Granted Permission 7th August 2020** (please refer to the Decision Notice and Delegated Report enclosed at **Appendix 6** and **7**).
- In assessing this application the Council considered the replacement of a basement level bay (vertically sliding timber sash) window, which was in a state of disrepair with decaying timber, with three uPVC (timber foil wrapped sash) double glazed units acceptable within the Darnley Road Conservation Area.

3.8 Most recently, an application (**Ref 20210252**) was made at No. 4 Lennox Road for the '*replacement of wooden sash windows at the front and side to double glazed uPVC of like-for-like design and colour*' – **Granted Permission 7th August 2020** (please refer to the Decision Notice and Delegated Report enclosed at **Appendix 8** and **9**).

- This application deemed the replacement of a decaying basement level bay window (vertically sliding timber sash) in a state of disrepair with three uPVC (timber foil wrapped sash) double glazed units acceptable within the Darnley Road Conservation Area.

4 THE PROPOSAL

- 4.1 This planning application seeks full planning consent for a series of external works to accompany the recently granted permission to subdivide the property into flats and thereby provide a suitable high quality living environment for occupiers.
- 4.2 This will be achieved through the removal of the non-original ground floor bay window and the re-instatement of a traditional arched Georgian window opening in a similar manner to No. 15 Darnley Road. These works will be accompanied by the installation of high quality contemporary aluminium windows matching the recently constructed apartment development to the rear of Darnley Road as summarised within Section 3 of this Statement.
- 4.3 As depicted within the supporting images which accompany this application and as is clearly visible on site, the existing windows are in a state of disrepair providing draughty, damp and substandard living conditions for occupiers.
- 4.4 Moreover, the existing windows on site are highly energy inefficient resulting in the site struggling to meet Part L Building Regulations, and as a result, Policy CS18 of the Local Plan.
- 4.5 The development has been carefully considered following a review of other windows and elevation openings within the host terrace, Darnley Road and wider Darnley Road Conservation Area to reflect the historic design of the street scene whilst providing a high quality contemporary approach.
- 4.6 Importantly, the bay window at ground floor level is not an original feature of the property and was a later addition constructed around 1900 to provide a shopfront to the property. As the property is now firmly back into a residential use following the implementation of application **Ref 20220831** on site, it is considered appropriate to revert back to the original Georgian window arch which the property benefited from originally. As evidenced by No.13 Darnley Road (prior to its demolition in 2016) and No. 15 Darnley Road.
- 4.7 The proposal will remove the later incongruous addition which is considered to be at odds with the character of the terrace and replace it with a window matching the ground floor arched opening at No. 15 Darnley Road. Thereby, the original Georgian layout will be reinstated, restoring visual harmony within the terrace.
- 4.8 A full specification of the windows proposed can be provided at the Council's request during the assessment stage as necessary.

5 PLANNING POLICY

5.1 This section provides a review of relevant national and local planning policy and guidance.

NATIONAL POLICY

5.2 The National Planning Policy Framework (NPPF) was revised in December 2024 and sets out the Government's objectives for achieving sustainable development. At the heart of the NPPF is a presumption in favour of sustainable development.

5.3 Development proposals that accord with an up-to-date Development Plan should be approved without delay. Where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, permission should be granted unless:

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

5.4 Paragraph 8 confirms that there are three dimensions to sustainable development; economic, social and environmental. To achieve sustainable development, economic, social and environmental gains should be pursued in mutually supportive ways through the planning system.

5.5 The NPPF explains that the purpose of the planning system is to contribute to the achievement of sustainable development. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. These sustainable objectives should be delivered through the preparation and implementation of plans and the application of the policies in the framework.

5.6 Guidance in paragraph 39 states that local planning authorities should approach decision-taking in a positive and creative way. They should work proactively with planners to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

Achieving Well Designed Places

5.7 This chapter sets out at paragraph 135 that planning policies and decisions should aim to ensure that developments:

- Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- Are visually attractive as a result of good architecture and appropriate and effective landscaping;
- Are sympathetic to local character and history including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change;
- Establish a strong sense of place, using the arrangements of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

- Optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and support local facilities and transport networks, and
- Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Conserving and Enhancing the Historic Environment

5.8 The NPPF builds upon the provision of the Planning (Listed Buildings and Conservation Areas) Act 1990 and requires at Paragraph 203 that in determining applications, local planning authorities should take account of:

- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- The wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;
- The desirability of new development making a positive contribution to local character and distinctiveness; and
- Opportunities to draw on the contribution made by the historic environment to the character of a place.

5.9 Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

5.10 Paragraph 215 advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including its optimum viable use.

5.11 At Paragraph 219, it is confirmed that local planning authorities should look for opportunities for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably .

5.12 Paragraph 220 declares that not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance.

5.13 Meanwhile Paragraph 221 states local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.

LOCAL POLICY

5.14 The Development Plan currently consists of the Gravesham Local Plan Core Strategy (2014), several saved policies within the Gravesham Local Plan First review (1994) and a range of Supplementary Planning Guidance notes.

- 5.15 Accordingly, the combined Core Strategy and saved elements of the Local Plan set out the overall policies for consideration of planning applications within the borough, with additional detailed guidance provided within the relevant SPG's. The policies relevant to the assessment of the development proposal are summarised below.
- 5.16 **Policy CS01 (Sustainable Development)** states that when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework and in the Core Strategy. It will work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.
- 5.17 **Policy CS10 (Physical and Social Infrastructure)** stipulates that support will be given to proposals and activities that protect, retain or enhance existing physical and social infrastructure, or lead to the provision of additional infrastructure that improves community well-being. Where there is the threat of loss of existing infrastructure, consideration will be given to viability and whether sufficient alternative provision is available.
- 5.18 **Policy CS18 (Climate Change)** outlines that the Council will seek to reduce the overall carbon footprint of the Borough. In particular, the Council will support proposals which lead to a reduction in carbon footprint including the retrofitting of existing homes and businesses, including local initiatives based on carbon off-setting via allowable solution
- 5.19 **Policy CS19 (Development and Design Principles)** States that new development will be visually attractive, fit for purpose and locally distinctive. It will conserve and enhance the character of the local built, historic and natural environment, integrate well with the surrounding local area and meet anti-crime standards. The design and construction of new development will incorporate sustainable construction standards and techniques, be adaptable to reflect changing lifestyles, and be resilient to the effects of climate change. This will be achieved through the criteria set out below:
- Using the collaborative approach advocated in Building for Life 12 and in line with the guidance set out in Kent Design, the design, layout and form of new development will be derived from a robust analysis of local context and character and will make a positive contribution to the street scene, the quality of the public realm and the character of the area. Account will be taken of the scale, height, building lines, layout, materials and other architectural features of adjoining buildings. Account will also be taken of the wider site context, including strategic views, site topography, the significance of heritage assets and features of townscape and landscape value which contribute to local character and sense of place;
 - New development will encourage sustainable living and choice through a mix of compatible uses which are well connected to places that people want to use, including the public transport network, local services and community facilities; encourage sustainable travel; enhance Green Grid links and encourage healthier lifestyles;
 - New development will be located, designed and constructed to:

- safeguard the amenity, including privacy, daylight and sunlight, of its occupants and those of neighbouring properties and land;
 - avoid adverse environmental impacts from pollution, including noise, air, odour and light pollution, and land contamination; and
 - not pose an unacceptable risk or harm to the water environment, including the quality and/or quantity of ground waters, surface waters, wetlands and coastal water systems;
- New development will be designed in an inclusive way to be accessible to all members of the community;
 - New development will provide appropriate levels of private and public amenity space;
 - New development will be fit for purpose and adaptable to allow changes to be made to meet the needs of users;
 - The design and layout of new development will take advantage of opportunities to build in resilience to the effects of climate change. This will include protection against flood risk, where relevant, delivering carbon reduction, provision for low carbon and renewable energy, and minimising energy consumption and water use;
 - The layout of new development will create a safe and secure environment and provide surveillance to minimise opportunities for crime and vandalism.

5.20 **Policy CS20 (Heritage and the Historic Environment)** states that the Council will accord a high priority towards the preservation, protection and enhancement of its heritage and historic environment as a no-renewable resource, central to the regeneration of the area and the reinforcement of sense of place. Particular attention in this regard will be focused on those heritage assets most at risk through neglect, decay or other threats. Securing viable, sustainable and appropriate futures for such assets at risk will need to be reconciled with the sensitivity to change that many present.

5.21 Proposals and initiatives will be supported which preserve and where appropriate, enhance the significance of the Borough's heritage assets, their setting where it contributes to the significance of the asset and their interpretation and enjoyment, especially where these contribute to the distinct identity of the Borough. These include:

- Gravesend Town Centre, its development as a heritage riverside town, and its setting;
- The Borough's urban and rural Conservation Areas; and
- Surviving built features and archaeology relating to the Borough's maritime, military, industrial and transport history.

5.22 When considering the impact of a proposed development on a designated heritage asset, the weight that will be given to the asset's conservation value will be commensurate with the importance and significance of the asset. For non-designated assets, decisions will have regard to the scale of any harm or loss and the significance of the heritage asset.

5.23 **Policy TC3 (Development Affecting Conservation Areas)** outlines the Borough Council will adopt the following approach to applications for development within or affecting Conservation Areas:

- Where development is acceptable in relation to other policies in this plan, it will be carefully judged for its impact and will be expected to make a positive contribution to the Conservation Area. The Borough Council will expect applications to contain sufficient details to enable the impact of the proposal upon the Conservation Area to be assessed.

6 PLANNING CONSIDERATIONS

6.1 The planning issues relevant to the determination of the development proposal are assessed in detail below.

6.2 No. 17 Darnley Road was constructed in the early 1830s as part of a terrace of four town houses, which were originally known as Nos. 1-4 Hutchinson Place. Between the 1880s and 1960s, the site was the address for numerous commercial uses, including a dressmaker, costumier, fruiterer, musical instrument dealer, tobacconist and a hairdresser. Originally covered in slate, the property is now covered in concrete tiles.

6.3 the ground floor of No. 17 Darnley Road was altered around 1900 to provide a shop front. Accordingly, the façade of No. 13 Darnley Road was deemed to be closest in appearance to the original character of the terrace with windows generally in the original design prior to its demolition in 2015.

Principle of Development

6.4 The principle of replacing the existing windows is considered acceptable provided that there will be no adverse impact upon the design of the host property and positive character of the conservation area.

6.5 The principle of the proposed development is therefore considered acceptable at this location provided that relevant design and heritage guidance is adhered to, as discussed further below.

Design and Heritage Impact

6.6 The approach to the design of the scheme has been carefully informed by an assessment of the visual character of both the immediate area and wider Darnley Road Conservation Area. This design approach is set out within Section 4.

6.7 As demonstrated at Image 3 within Section 2, the site is located on the northern boundary of the Darnley Road Conservation Area as designated on 1st February 1990. The accompanying Conservation Area Appraisal (CAA) prepared by the Council identifies positive features worthy of protection in addition to highlighting negative factors that detract from the Conservation Area's character and appearance. In doing so, the CAA, when taken in conjunction with the Conservation Area Management Plan (CAMP), provides a guide to allow the Council and developers to take account of the relative importance of buildings, features, spaces and landscape within and adjacent the Conservation Area when assessing development proposals.

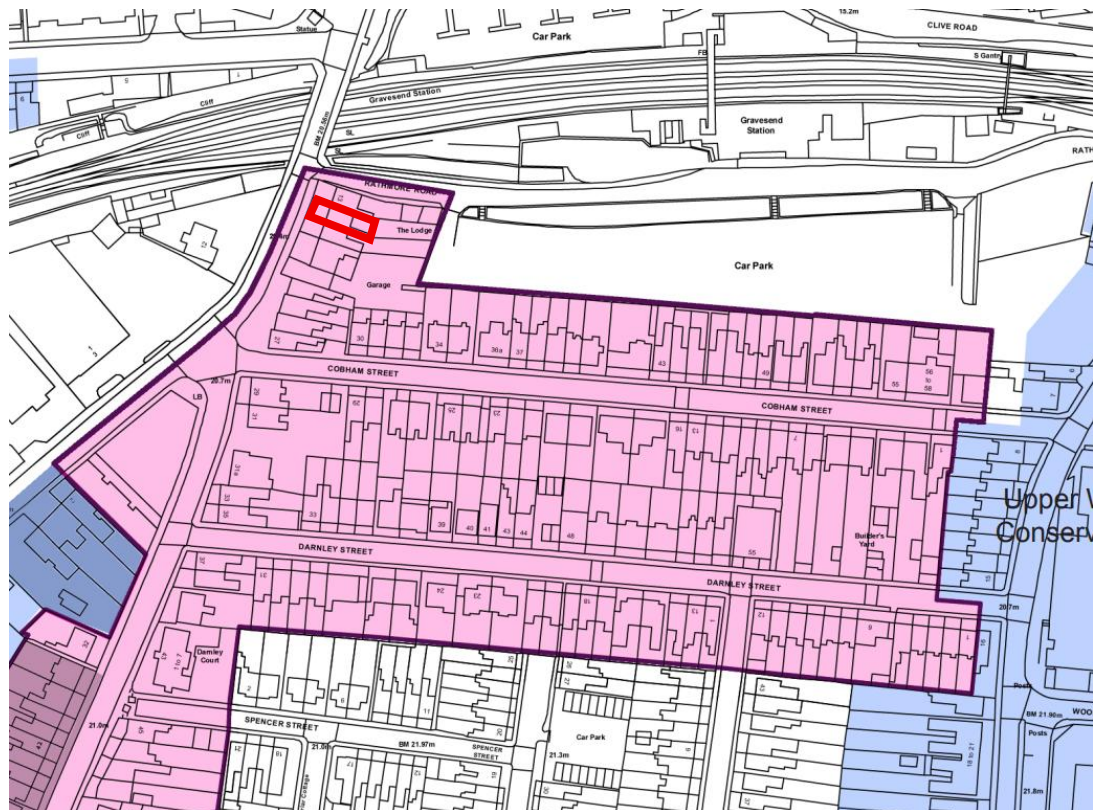


Figure 9: Extract of the Conservation Area map identifying the site in red

- 6.8 The Darnley Road Conservation Area is characterised within the CAA as featuring predominantly 19th Century residential, suburban development typical of an affluent Victorian and Edwardian suburb. Most buildings are acknowledged to have been constructed as substantial single family dwellings however in more recent years (early 20th Century onwards) it is noted that many of these have been sub-divided into smaller units, most notably those on Cobham Street and Darnley Street.
- 6.9 The buildings of the Conservation Area represent high quality 19th century architecture typical of an affluent Victorian and Edwardian suburb. Many of the buildings are generously scaled terraced houses or paired villas and display a wealth of architectural ornamentation. The early houses on Cobham Street and Darnley Street (including the site) are predominantly raised above a basement, with the front door approached by a flight of stone steps, thereby increasing the visual status of the buildings.
- 6.10 As demonstrated within the drawings that support this application, the proposal takes references from the original Georgian window design and will maintain the existing fenestration layout of the building with regular openings spaced across the principal elevation.
- 6.11 In assessing applications of this nature the Council must apply policies consistently, in this regard attention is drawn to the Council's assessment of **Ref 20210252** as summarised within Section 3. Similarly, located within a Conservation Area, the proposal sought consent for the replacement of wooden sash windows at the front and side to double glazed upvc of like-for-like design and colour, the Delegated Report enclosed at **Appendix 9** importantly confirmed the following at Page 3:

Whilst, in some instances, upvc replacements may be acceptable the glazing will need to be slim (12mm thick sealed units), the windows must use solid (through) glazing bars, appropriate meeting

rails, no more than 34mm thick, and timber profiles must be matched to the original profiles (section 7.16).

- 6.12 Accordingly the proposed windows have been carefully considered to retain the existing size and profiling of traditional timber windows with a contemporary aluminium material.
- 6.13 Moreover, both application **Ref 20160741** and **Ref 20200510** (please refer to the Decision Notices at **Appendix 5** and **6** respectively) further confirmed that the replacement of existing timber windows with a modern material to be acceptable within a Conservation Area where the existing windows are in a state of disrepair and the replacement proposal has been well considered to ensure no harmful impact upon the wider Conservation Area.
- 6.14 The proposed windows which form this proposal will comprise of high quality aluminium in a similar manner to those which have been recently installed to the rear of the site as part of application **Ref 20231301**.
- 6.15 Whilst they do not comprise an original material type for the terrace it is noted that both Nos. 15 and 19 Darnley Road display non-original aluminium and UPVC windows as existing down their principal elevation. As a result, the replacement of windows at No. 17 Darnley Road is considered to not negatively impact upon the character of the terrace or wider Conservation Area as long as the design of which, including their profile, colour and detailed design is of a suitably high quality.
- 6.16 Accordingly, it is considered the proposals match the character of the neighbouring Conservation Area buildings and positively contribute to the Character of the Conservation Area through a contemporary re-interpretation of historic features, materials and design.
- 6.17 The scheme is therefore considered to comply with all design and heritage related criteria as set out with Policy CS19, CS20 and TC3 of the Local Plan.

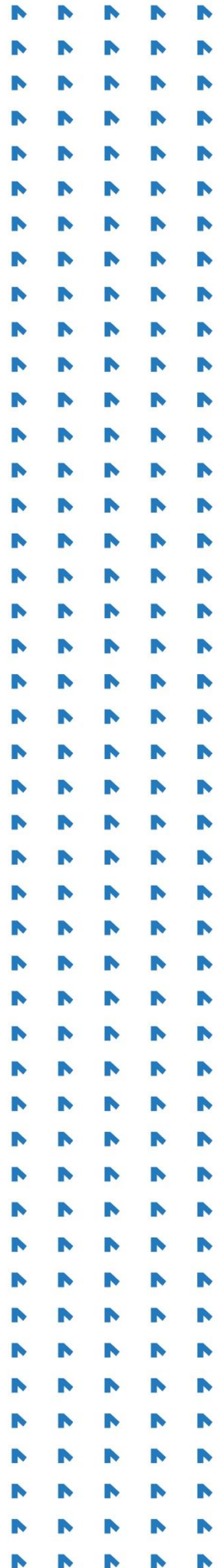
Summary

- 6.18 The design and layout of the windows will respect the character, siting and pattern of development within the immediate street scene. Correspondingly, the removal of the non-original bay window to the front elevation and its replacement with a traditional Georgian window similar to No. 15 Darnley Road will provide symmetry and consistency down the row of terrace buildings.
- 6.19 The proposed scheme will not have an adverse impact upon the visual character and appearance of the street scene and Conservation Area.

7 CONCLUSIONS

- 7.1 It is concluded that the proposal is in accordance with the NPPF and the Council's adopted Development Plan. It therefore constitutes appropriate development and should be supported for the following reasons:
- The removal of a non-original bay window at ground floor level will result in the restoration of a traditional Georgian fenestration at ground floor level and enhanced symmetry down the terrace, contributing positively to the character of the Conservation Area;
 - The replacement of windows within the terrace with a modern, high quality material has previously been considered acceptable by the Council in assessing applications within Conservation area locations, subject to an appropriate detailed design review, and
 - The application thereby proposes a high quality solution to increase the efficiency of the existing building and contribute positively to the character of the Conservation Area;
- 7.2 In light of the above, the proposed development has been demonstrated to comply with all relevant planning policies of the NPPF, the adopted Local Plan (most notably CS01, CS10, CS18, CS19, CS20 and TC3) and should be considered acceptable.

Appendix 1





Application: 20220831

**TOWN AND COUNTRY PLANNING ACT 1990
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2015 (AS AMENDED)**

NOTIFICATION OF GRANT OF PERMISSION TO DEVELOP LAND

To: **Mandeep Hayer
C/O Mr Harry Johnson, Mialex
Work.Life
Core
Brown Street
Manchester
M2 1DH**

TAKE NOTICE that the **GRAVESHAM BOROUGH COUNCIL**, the Local Planning Authority under the Town and Country Planning Acts, has **GRANTED PERMISSION** for development of land situate at:

**17 Darnley Road
Gravesend
Kent
DA11 0RZ**

and being **Subdivision of the existing dwellinghouse to create three self-contained units with associated amenity space**. Your application dated 28th July 2022 is permitted subject to the following:-

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out only in precise accordance with the following schedule of approved plans:

Planning Application Form;
Covering Letter;
Rooflight Photograph;
Location Plan;
Drawing No. 22-1321-01 C - Existing Site Location and Existing Floor Plans and Elevations; and
Drawing No. 22-1321-02 C - Existing Site Location and Proposed Floor Plans and Elevations.

Reason: For the avoidance of any doubt and in the interest of proper planning in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014).

3. Notwithstanding the details included on the application form and approved plans the materials to be used in the construction of the external surfaces of the development hereby permitted, specifically the dormer window, shall match those used in the existing building.

Reason: To ensure a satisfactory visual relationship between the existing and the new development in accordance with Local Plan: Core Strategy Policy CS19.

4. Prior to the first occupation of the development hereby approved and notwithstanding details on the approved plans details of secure, covered and accessible cycle storage facilities (comprising a minimum of 1 space per flat) to serve the development shall be submitted to and approved in writing by the Local Planning Authority. The approved cycle storage facilities shall be provided prior to first occupation of the development and shall be retained for such purposes at all times thereafter.

Reason: In order to encourage options for sustainable travel in accordance with Local Plan: Core Strategy Policy CS19.

5. Prior to the first occupation of the development hereby approved and notwithstanding details on the approved plans details of the refuse arrangements shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall ensure adequate provision for non-recyclable waste, food waste and recyclable waste and security arrangements for the refuse stores. The approved refuse arrangements shall be provided prior to first occupation of the dwelling and thereafter be retained for such purposes at all times.

Reason: In order to ensure the development is served by a suitable refuse storage area in the interest of amenity and in accordance with adopted Policy CS19 Gravesham Local Plan: Core Strategy (September 2014).

6. Prior to the first occupation of the development hereby approved and notwithstanding the details shown on the approved plans a scheme of hard landscaping shall be submitted to and approved in writing by the Local Planning Authority. The landscaping works shall be completed in accordance with the approved details prior to the completion of the development or the first occupation of the residential unit whichever is sooner. The scheme shall include:

- proposed boundary treatments;
- proposed finished levels and contours;
- hard surface finishes to the pedestrian accesses; and
- details of any retaining walls, steps, railings, walls, fencing, gates or other supporting structures.

Reason: To protect and enhance the visual amenity and the character of the area and to ensure a satisfactory environment for existing and future residents in accordance with Policy CS19 of the Gravesham Local Plan: Core Strategy (September 2014).

7. Prior to the first occupation of the development hereby approved and notwithstanding the details shown on the approved plans a scheme detailing the proposed soft landscaping shall be submitted to and approved, in writing, by the Local Planning Authority. The scheme shall include the type and species of planting to be carried out, to include their quantity and size as well as arrangements for aftercare. Thereafter the approved soft landscaping scheme shall be carried out in full during the first available planting season following. Any trees or plants that die, are damaged, removed or become diseased within five years from the date that the development is first brought into use shall be replaced with a species of a similar size and species during the next available planting season.

Reason: To ensure that the landscaping is maintained in the long term in the interests of the visual amenity of the development, in accordance with adopted Policy CS19 Gravesham Local Plan: Core Strategy (September 2014).

INFORMATIVES:-

1 STATEMENT OF POSITIVE AND PROACTIVE APPROACH TO DECISION-MAKING

In accordance with Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), and paragraph 38 of the National Planning Policy Framework (NPPF) 2021, the Local Planning Authority has approached the assessment and determination of this application in a positive and creative way and, where appropriate, has worked pro-actively with the applicant to secure a development that is sustainable and that improves the economic, social and environmental conditions of the area, and that is in accordance with the Development Plan for the area.

This has involved discussions and negotiations during the processing of the planning application in a collaborative manner in order to address the various consultations and neighbour concerns.

2 BUILDING REGULATIONS AND PARTY WALL ACT

This decision DOES NOT imply any consent which may be required under the Building Regulations or under any other enactment or provision. Nor does it override any private rights which any person may have relating to the land affected by this decision, including the provisions of the Party Wall etc. Act 1996.

3 NAMING & NUMBERING

As a result of the changes to this property, it appears that a change has to be made to the national property gazetteer. It is a legal requirement that a property or premises is registered.

The Naming and Numbering Certificate, when issued, will reduce location or delivery problems via Royal Mail or other carriers, and importantly for the Police, Ambulance, and Fire & Rescue services. Registration is also necessary to register to vote, for utility connections, and will avoid duplicate addresses.

The Naming and Numbering service is provided by the Borough Council. The on-line form is available at the Planning/House Numbering page of the council's web-site <http://www.gravesham.gov.uk/street-naming>. Please submit the application and the requisite fee in accordance with the guidance on the form.

4 DEVIATION FROM APPROVED PLANS

It is possible that any proposed deviation from the approved plans could be classed as a 'material' change requiring a further application/permission. In the event that any change is proposed, applicants are advised to seek advice from the Local Planning Authority [as proceeding without the necessary permissions could nullify this permission].

5 KENT COUNTY COUNCIL HIGHWAYS AND TRANSPORTATION

It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil.

Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Dated: 5 January 2023

Civic Centre
Windmill Street
Gravesend
Kent
DA12 1AU

Wendy Lane MRTPI
Assistant Director (Planning)
Planning Service

NOTIFICATION TO APPLICANT

APPEALS TO THE SECRETARY OF STATE

- If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.
- If this is a **householder application*** which has been refused and you want to appeal against your Local Planning Authority's decision then you must do so within **12 weeks of the date of this notice**.
- For all other applications, refused or permitted, if you want to appeal against your Local Planning Authority's decision then you must do so within 6 months of the date of this notice.
- **Appeals must be made using a form which you can obtain from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN; telephone: 0303 444 5000; email: enquiries@pins.gsi.gov.uk or online at www.planningportal.gov.uk/pcs.**
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

***Householder applications**

These are:

- (a) applications for planning permission for development of an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse, or

- (b) an application for any consent, agreement or approval required by or under a planning permission, development order or local development order in relation to such development

but does **not** include –

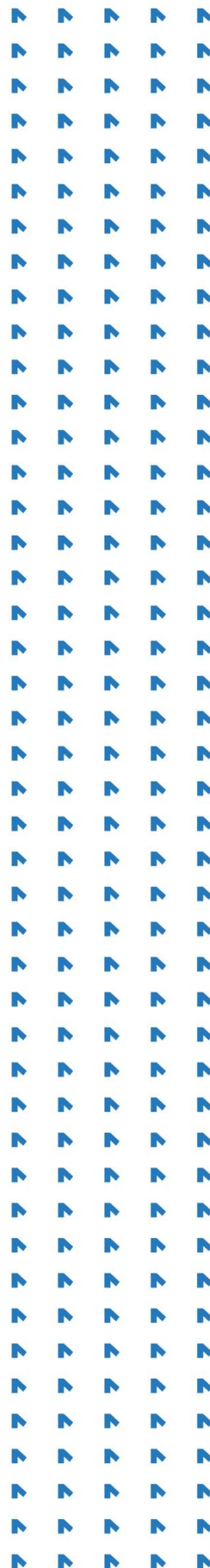
- (i) an application for change of use;
- (ii) an application to change the number of dwellings in a building.

PURCHASE NOTICES

If either the Local Planning Authority or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that he/she can neither put the land to a reasonably beneficial use in its existing state nor can he/she render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Appendix 2



SUMMARY REPORT

Application Ref:	20220831
Site Address:	17 Darnley Road Gravesend Kent DA11 0RZ
Application Description:	Subdivision of the existing dwellinghouse to create three self-contained units with associated amenity space
Applicant:	Mandeep Hayer
Agent:	Mr Harry Johnson, Mialex
Ward:	Pelham
Parish:	Non-Parish Area
Decision due date:	22 September 2022
Publicity expiry date:	2 September 2022
Decision Level:	Planning Committee – Wednesday 4 th January 2023
Reason for referral:	Call In by Councillor Brian Sangha
Recommendation:	The recommendation is for the application to be APPROVED Planning Permission, subject to planning conditions as set out within the report.

Summary of Reasons for Recommendations

The proposal is for the conversion of No. 17 Darnley Road, a three-storey mid terrace dwelling into 3no. self-contained units with associated amenity space. The conversion would provide 1no. two bedroom 3 person unit, 1no. bedsit and 1no. one bedroom two person unit.

As outlined in paragraphs 6.7-10, the principle of converting the property is considered acceptable. Paragraphs 6.19-24 highlight that the proposed units would exceed the National Housing Standards both in terms of gross internal floor area and room sizes. It is considered that there would be no detrimental impact on neighbour amenity as laid out in paragraphs 6.25-28, and would be no highways issues as outlined in paragraphs 6.37-41.

During the course of the application and in order to be positive and proactive negotiations took place with the agent to improve the scheme and address concerns relating to occupier amenity. These changes were a reduction in bedrooms of flat 1 and reconfiguration of floor layout and a rear dormer to serve the bedroom of flat 3.

All representations received from both 3rd parties and consultees and have been taken into account when considering this proposal and the development is considered to comply with local and national planning policy.

The recommendation is for the application to be APPROVED Planning Permission, subject to planning conditions as set out within the report.

MAIN REPORT

1. Site Description and Surroundings

- 1.1. The application site is 17 Darnley Road located on the edge of Gravesham town centre, within the urban boundary of Gravesend and within the Darnley Road Conservation area, as designated by the Local Plan. 17 Darnley Road is a three storey mid terrace single residential dwelling with an existing front rooflight, providing habitable living accommodation over five floors.
- 1.2. The property is set back from the road and benefits from a generous garden to the rear.
- 1.3. The adjoining property to the north, No. 15 has already been converted into 3no. flats and the one to the south is in use as a funeral directors.
- 1.4. Further north is the Gravesend Train Station and the town centre and to the south is a mixture of commercial and residential properties.
- 1.5. The property does not benefit from off road parking.
- 1.6. The following photographs were taken from the public realm on 5th December 2022, together with Google Earth images, show the site and the surrounding area:





Procedural Issues

- 1.7. The application has been determined in accordance with the above submitted documents/plans and Paragraph 38 of the National Planning Policy Framework (NPPF) (2021) sets out adopting a positive and proactive approach to development proposals. In this case prior to this application being submitted the agent did not engage with the Local Planning Authority with a formal pre-application enquiry.

2. Planning History

- 2.1 There is no recent planning history for this site.

3. Proposal

- 3.1. This current application is for the conversion of the existing single residential dwelling into 3no. self-contained units incorporating the formation of a new single dormer on the rear roofslope. No other elevational changes are proposed.
- 3.2. The existing property is a 7no. bedroom dwelling spaced over five floors with two of the bedrooms being within the lower ground floor and one bedroom within the roofspace.
- 3.3. All of the flats would be accessed from the existing front door.
- 3.4. Flat 1 would comprise of living room, bathroom, kitchen and bedroom 2 on the ground floor with bedroom 1, study and store on the lower ground floor. Flat 1 would also have direct access to the rear garden.
- 3.5. Flat 2 would comprise of living/bedroom, bathroom and kitchen on the first floor.
- 3.6. Flat 3 would comprise of living room, bathroom and kitchen on the second floor and bedroom within the roofspace, served by the existing rooflight to the front and new single dormer to the rear.
- 3.7. The property benefits from an existing rear garden which can be accessed from the lobby of Flat 1. There is no external access into the garden due to the adjacent dwellings and the change in land levels to the rear. Therefore it is considered that this garden be exclusively for the use of the occupants of Flat 1.

3.8. The property benefits from an open frontage which allows direct access from Darnley Road and for waste collection to be via kerbside collection. The proposal includes a communal bin store within the front which allows for kerbside collection also.

3.9. The supporting planning application form states that the proposed units would be 100% market housing.

4. Planning Policy, Development Plan and other Material Considerations

4.1. Gravesham Local Plan Core Strategy (September 2014)

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS11 – Transport
- CS12 – Green Infrastructure
- CS14 – Housing Type and Size
- CS15 – Housing Density
- CS18 – Climate Change
- CS19 – Design & Development Principles
- CS20 – Heritage and the Historic Environment

4.2. Paragraph 33 of the NPPF (2021) sets out those 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.

4.3. The Council undertook such a review in September 2019 and the review found that the adopted Local Plan Core Strategy (LPCS) 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 a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) generally conform with the National Planning Policy Framework (2021), the Council will also seek to replace these saved policies via the emerging Local Plan.

4.4. Saved Policies in the Gravesham Local Plan First Review (November 1994)

- H5 – Increasing the Housing Stock by Conversion
- T1 – Impact of development on the highway network
- TC3 – Development Affecting Conservation Areas
- P3 – Vehicle Parking Standards

4.5. The Council has a statutory requirement under Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering whether to grant listed building consent for any works to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

4.6. Under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 the Council has a statutory duty in considering whether to grant planning permission for development which affects a listed building or its setting to have special regard to the desirability of preserving the building or its setting or any features of special architect or historic interest which it possesses.

4.7. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended states that, with respect to buildings or other land in a conservation area,

special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

4.8. National Planning Policy Framework (2021)

- Section 2 – Achieving sustainable development
- Section 4 – Decision-making
- Section 5 – Delivering a sufficient supply of homes
- Section 8 – Promoting healthy and safe communities
- Section 11 – Making effective use of land
- Section 12 – Achieving well-designed places
- Section 16 – Conserving and enhancing the historic environment

4.9. Supplementary Planning Guidance

- SPG2 - Residential Layout Guidelines (2020)
- SPG 4 - KCC Parking Standards (2006)
- Technical Housing Standards: Nationally Described Space Standards (October 2015)

5. Consultations and Publicity Responses

Consultations

5.1. GBC - Highways Officer

As this is a seven bedroom dwelling, its existing cycle parking requirement is higher than that required for three flats. In addition, as an edge of centre property there is no requirement to provide any car parking. I therefore have no objections.

However, if it is possible secure cycle parking for three cycles, one per flat would be beneficial.

5.2. Neighbouring Properties

Consultation was by way of a press notice and the displaying of a site notice, together with letters sent to three surrounding properties with an overall expiry date of 9th September 2022.

5.3. One letter of objection was received, making the following summarised comments:

- Parking
- Refuse Storage
- Will worsen existing parking and refuse issues

6. Planning Analysis and Service Manager (Planning) Comments

Housing Need

- 6.1. Policy CS02 (LPCS) sets out the Borough's objectively assessed need for housing over the Plan period (up to the year 2028) and finds that there is a need for at least 6,170 new dwellings during the period. Evidence now available shows that the Council is not able to demonstrate a five-year housing supply. This engages the first part of footnote 7 of the NPPF (2021) and this means for decision-taking that planning permission for applications involving the provision of housing should be granted in line with the requirements of the NPPF (2021) Para 11(d) unless:

- i. the application of policies in this Framework (the NPPF) that protect areas or assets of particular importance provides a clear reason for refusing the development proposed.
- 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.
- 6.2. In the Gravesham context, the policies referred to in paragraph 11(d)(i) above are those set out in the NPPF (2021) at footnote 7 (rather than those in development plans) relating to any of the following:
- Habitats sites (and those sites listed in NPPF paragraph 180)
 - 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 67); and
 - Areas at risk of flooding or coastal change
- 6.3. 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 125(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.
- 6.4. The proposed development for a net increase of '2' dwellings would offer a minimal contribution towards meeting this local need.
- 6.5. However, as part of this balancing exercise it should be noted that paragraphs 130 and 134 of the NPPF (2021) requires development to add to the overall quality of the area, be visually attractive, sympathetic to local character and create acceptable amenity for future occupiers.
- 6.6. Notwithstanding the Council's shortages in housing delivery and the consequent weight to be given in favour of the proposed development it is necessary to assess the proposals against the policies in the National Planning Policy Framework (NPPF) and established local planning policy taken as a whole.

Principle

- 6.7. Policy CS14 of the Local Plan Core Strategy (LPCS) requires that the Council protects the mix of housing in the existing housing stock while also expecting new housing development 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.
- 6.8. The application site is located on the edge of Gravesend town centre where the character of the street scene is both residential and commercial in nature. The

adjoining property to the north has already been converted into flats and the property to the south is commercial. Both properties are similar in size and layout to the application property. Due to the location within an urban area, the principle of residential development is acceptable providing it accords with the local and national policies below.

- 6.9. Saved Policy H5 (LPFR) with regard to proposals for conversion of existing properties to provide flats states that the Borough Council will have regard for the following criteria;
- (i) *The building shall be in an appropriate area for conversion to flats maisonettes, bedsitters and multiple occupancy. Unless there are special or overriding circumstances, conversions will not normally be permitted in an area comprised for the most part of single family dwellings. Conversely conversions will not normally be permitted in areas which are environmentally unsuitable for young families and which already demonstrate a predominance of multiple occupation.*
 - (ii) *The building shall be of such a size and arrangement as to be generally unsuitable for single family occupation.*
 - (iii) *The proposal shall have regard to the Borough Council's Residential Layout Guidelines, as set out in supplementary planning guidance.*
 - (iv) *The adopted Vehicle Parking Standards must be achieved wherever feasible.*
- 6.10. Having regard to the above criteria, on balance it is concluded that the principle of converting the existing single residential home into 3no. self-contained units is acceptable.

Character and Appearance

- 6.11. Policy CS20 (Heritage and the Historic Environment) (LPCS) states that the council will accord a high priority towards the preservation, protection and enhancement of its heritage and historic environment. Particular attention in this regard will be focused on those heritage assets most at risk through neglect, decay or other threats. Proposals and initiatives will be supported which preserve and, where appropriate, enhance the significance of the Borough's heritage assets.
- 6.12. The proposal would result in minimal alterations to the existing building. A single dormer would be located within the rear roofslope which would not detract from the original features of the building. No alterations to the front of the building are proposed.
- 6.13. CS19 (Development and Design Principles) (LPCS) sets out the design principles which will be taken into account when considering proposed redevelopment proposals. The policy requires new development to be visually attractive, fit for purpose and locally distinctive. In particular, the design of new development should be derived from a robust analysis of local context and character, make a positive contribution to the street scene and the character of the area and integrate well into the surrounding area. At a national level the revised National Planning Policy Framework 2021 (NPPF) in section 12 provides guidance on achieving well designed places.
- 6.14. The proposal is for a conversion of the existing dwelling. There are only minor elevational alterations to the rear with the creation of a single dormer.
- 6.15. Paragraph 201 of the NPPF (2021) states that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage

asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.

6.16. Under the NPPF (2021) conservation areas are designated heritage assets and their conservation is to be given great weight in planning permission decisions. In this instance limited changes are proposed to the external fabric of the building, with the change of note being the proposed dormer which would be a modest addition to the rear roofslope. This proposed dormer has been designed to reflect the existing building and would not result in a detrimental impact on the Darnley Road Conservation Area. Therefore, the proposal would have no harm on the heritage asset as it would be in keeping with the street scene and facilitate the use of the building for residential accommodation which would seek to secure the future of the property.

6.17. The proposed alterations are considered acceptable and would preserve the character of the existing property and the Darnley Road Conservation Area.

6.18. In terms of design and impact on the Darnley Road Conservation Area, the proposed development accords with Policies CS19 and CS20 of the Gravesham Local Plan Core Strategy (2014), saved Policy TC3 of the Gravesham Local Plan First Review (1994) and Sections 12 and 16 of the National Planning Policy Framework (2021).

6.19. Residential Amenity

6.20. The NPPF (2021) states that planning decisions should aim to secure a high standard of amenity for all existing and future users (paragraph 130f). The impact on amenity is also considered with regard to the criteria within Policy CS19 (LPCS) states that new development should be located, designed and constructed to safeguard the amenity, including privacy, daylight and sunlight, of its occupants, and those of neighbouring properties and land.

6.21. *Amenity of Future Occupiers*

	Actual floor area	National Standard	Double Bedrooms 11.5sqm	Single Bedrooms 7.5sqm
Flat 1 (2b, 3p)	92.96sqm	70sqm	13.19sqm	10.7m
Flat 2 (bedsit)	33.78sqm	N/A	21.41qm	N/A
Flat 3 (1b, 2p)	58.37sqm	58sqm	19.11sqm	N/A

- 6.22. As can be seen from the table above the minimum gross internal floor area recommended by the National Housing Standards has been met by Flats 1 and 3.
- 6.23. There is no national standard for bedsits, however the Gravesham Residential Layout Guidelines requires bedsits to have a minimum floorspace of 30sqm, of which Flat 2 meets.
- 6.24. In addition, all of the bedrooms exceed the minimum space standards and would have access to a good level of natural light and outlook.
- 6.25. The existing garden area to the rear would not be altered by the proposal and would provide 117.56m² of private amenity space for the occupiers, which would accord with the Residential Layout Guidelines (2020).
- 6.26. In addition, being located on the edge of town, the occupiers would have access to Riverside Leisure Area, Dashwood Open Space and Woodlands Park, all within walking distance.
- 6.27. In terms of occupier amenity, the proposal would accord with the objectives of Policy CS19 of the Gravesham Local Plan Core Strategy (2014) and paragraph 130f of the National Planning Policy Framework (2021).
- 6.28. *Neighbouring Amenity*
- 6.29. One neighbour objection has been received relating to the additional parking and refuse impact. This will be addressed within the Parking and Highways and refuse sections.
- 6.30. No comments were received relating to loss of light, privacy or overlooking. The proposal would result in one additional rear facing window within the roofslope. This would afford the same views as the existing first and second floor windows and as such it is not considered to have a detrimental impact on the amenities of the surrounding properties.
- 6.31. Overall, and taking into account the existing built form of both the application site and the surrounding buildings, it is considered that there will be no loss of outlook, daylight or sunlight to any neighbouring property and therefore complies with Policy CS19 of the Gravesham Local Plan Core Strategy (2014) and paragraph 130 of the National Planning Policy Framework (2021) in this regard.
- 6.32. Ecology and Biodiversity
- 6.33. Paragraph 174 and 177 of the NPPF (2021) requires planning decisions to ensure that the natural and local environment is enhanced by minimising impacts on and providing net gains for biodiversity and this is reflected in Section 40 of the Natural England Commission Rural Communities (NERC) Act (2006) and the Environmental Act (2021).
- 6.34. Policy CS12 (LPCS) indicates that sites designated for their biodiversity value will be protected, with the highest level of protection given to internationally designated Special Protection Areas, Special Areas of Conservation and Ramsar sites, and that there will be no net loss of biodiversity in the Borough.

- 6.35. The existing garden will not alter as part of this proposal, therefore there would be no biodiversity net loss.
- 6.36. 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 waterbirds 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 have decided to impose a tariff on new housing development. Developers will need to pay £275.88 for every new dwelling 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.
- 6.37. Where there are no other contributions required for a development applicants generally have chosen to submit the payment of £275.88 per dwelling by filling in the Strategic Access Management and Monitoring Strategy (SAMMS) Agreement. By filling in this form there are no legal fees to be paid by the applicant and refund mechanisms are in place in the event of a refusal.
- 6.38. The applicant has completed the SAMMS Mitigation Contribution Agreement and made the required payment, addressing this issue.
- 6.39. Therefore, the development would comply with the requirements of the Habitat Regulations and Section 14 (specifically paragraphs 175 and 176) of the National Planning Policy Framework 2021 and Policy CS12 of the Gravesham Local Plan Core Strategy (2014).
- 6.40. Parking and Highways
- 6.41. The application property is located on the edge of town and therefore no parking provision is required.
- 6.42. The existing property is a 7-bedroom dwelling which are double rooms and therefore has the potential for 14 occupants. The proposal would see a decrease in 3no. bedrooms and an approximate occupancy of 6 people.
- 6.43. The GBC Highways Officer has commented that, no car parking is required due to the edge of town location and 3no. flats would have a lesser parking requirement than a 7-bedroom dwelling. However ideally there should be secure and weatherproof bicycle parking for one bicycle per flat to conform to SPG4.
- 6.44. Therefore, subject to imposition of a condition for the provision of secure cycle storage, the development would accord with Policy CS11 (LPCS).
- 6.45. Waste Collection

- 6.46. The existing property utilises the frontage for bin storage, allowing for kerbside collection. The proposal includes the provision of a timber clad refuse and recycling store to the front, enabling kerbside collection, however no details relating to bin store size or design have been provided.
- 6.47. Subject to a condition requesting storage details, this is considered acceptable and in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy (2014).

7. Conclusion

- 7.1. It is acknowledged that the Council is currently unable to demonstrate a five-year housing supply and as the delivery of housing is substantially below (less than 75%) that required by the Housing Delivery Test, the housing delivery element of Policy CS02 (LPCS) must be regarded to be out of date, as required by the Paragraph 11(d) of the NPPF (2021).
- 7.2. The proposed development for a net increase of 2no. dwellings (in this case 2 flats) would offer a minimal contribution towards meeting this local need and delivery and, accordingly, adds some weight in support of the application.
- 7.3. In this case, it is considered that the proposal would accord to local and national planning policy and is therefore recommended for approval.

Recommendation

The recommendation is for the application to be **APPROVED** Planning Permission, subject to the following conditions:

CONDITIONS

1. **STANDARD TIME LIMIT**
The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.
- Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. **APPROVED PLANS**
The development hereby permitted shall be carried out only in precise accordance with the following schedule of approved plans:
- Planning Application Form;
Covering Letter;
Rooflight Photograph;
Location Plan;
Drawing No. 22-1321-01 C - Existing Site Location and Existing Floor Plans and Elevations; and
Drawing No. 22-1321-02 C - Existing Site Location and Proposed Floor Plans and Elevations.
- Reason: For the avoidance of any doubt and in the interest of proper planning in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014).

3. MATERIALS

Notwithstanding the details included on the application form and approved plans the materials to be used in the construction of the external surfaces of the development hereby permitted, specifically the dormer window, shall match those used in the existing building.

Reason: To ensure a satisfactory visual relationship between the existing and the new development in accordance with Local Plan: Core Strategy Policy CS19.

4. CYCLE STORAGE

Prior to the first occupation of the development hereby approved and notwithstanding details on the approved plans details of secure, covered and accessible cycle storage facilities (comprising a minimum of 1 space per flat) to serve the development shall be submitted to and approved in writing by the Local Planning Authority. The approved cycle storage facilities shall be provided prior to first occupation of the development and shall be retained for such purposes at all times thereafter.

Reason: In order to encourage options for sustainable travel in accordance with Local Plan: Core Strategy Policy CS19.

5. REFUSE DETAILS

Prior to the first occupation of the development hereby approved and notwithstanding details on the approved plans details of the refuse arrangements shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall ensure adequate provision for non-recyclable waste, food waste and recyclable waste and security arrangements for the refuse stores. The approved refuse arrangements shall be provided prior to first occupation of the dwelling and thereafter be retained for such purposes at all times.

Reason: In order to ensure the development is served by a suitable refuse storage area in the interest of amenity and in accordance with Local Plan: Core Strategy Policy CS19.

6. HARD LANDSCAPING

Prior to the first occupation of the development hereby approved and notwithstanding the details shown on the approved plans a scheme of hard landscaping shall be submitted to and approved in writing by the Local Planning Authority. The landscaping works shall be completed in accordance with the approved details prior to the completion of the development or the first occupation of the residential unit whichever is sooner. The scheme shall include:

- proposed boundary treatments;
- hard surface finishes to the pedestrian accesses; and
- Details of any retaining walls, steps, railings, walls, fencing, gates or other supporting structures.

Reason: To protect and enhance the visual amenity and the character of the area and to ensure a satisfactory environment for existing and future residents in accordance with Local Plan: Core Strategy Policy CS19.

7. SOFT LANDSCAPING

Prior to the first occupation of the development hereby approved and notwithstanding

the details shown on the approved plans a scheme detailing the proposed soft landscaping shall be submitted to and approved, in writing, by the Local Planning Authority. The scheme shall include the type and species of planting to be carried out, to include their quantity and size as well as arrangements for aftercare. Thereafter the approved soft landscaping scheme shall be carried out in full during the first available planting season following. Any trees or plants that die, are damaged, removed or become diseased within five years from the date that the development is first brought into use shall be replaced with a species of a similar size and species during the next available planting season.

Reason: To ensure that the landscaping is maintained in the long term in the interests of the visual amenity of the development, in accordance with Local Plan: Core Strategy Policy CS19.

INFORMATIVES

1 STATEMENT OF POSITIVE AND PROACTIVE APPROACH TO DECISION-MAKING

In accordance with Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), and paragraph 38 of the National Planning Policy Framework (NPPF) 2021, the Local Planning Authority has approached the assessment and determination of this application in a positive and creative way and, where appropriate, has worked pro-actively with the applicant to secure a development that is sustainable and that improves the economic, social and environmental conditions of the area, and that is in accordance with the Development Plan for the area.

This has involved discussions and negotiations during the processing of the planning application in a collaborative manner in order to address the various consultations and neighbour concerns.

2 BUILDING REGULATIONS AND PARTY WALL ACT

This decision DOES NOT imply any consent which may be required under the Building Regulations or under any other enactment or provision. Nor does it override any private rights which any person may have relating to the land affected by this decision, including the provisions of the Party Wall etc. Act 1996.

3 NAMING & NUMBERING

As a result of the changes to this property, it appears that a change has to be made to the national property gazetteer. It is a legal requirement that a property or premises is registered.

The Naming and Numbering Certificate, when issued, will reduce location or delivery problems via Royal Mail or other carriers, and importantly for the Police, Ambulance, and Fire & Rescue services. Registration is also necessary to register to vote, for utility connections, and will avoid duplicate addresses.

The Naming and Numbering service is provided by the Borough Council. The on-line form is available at the Planning/House Numbering page of the council's web-site <http://www.gravesham.gov.uk/street-naming>. Please submit the application and the requisite fee in accordance with the guidance on the form.

4 DEVIATION FROM THE APPROVED PLANS

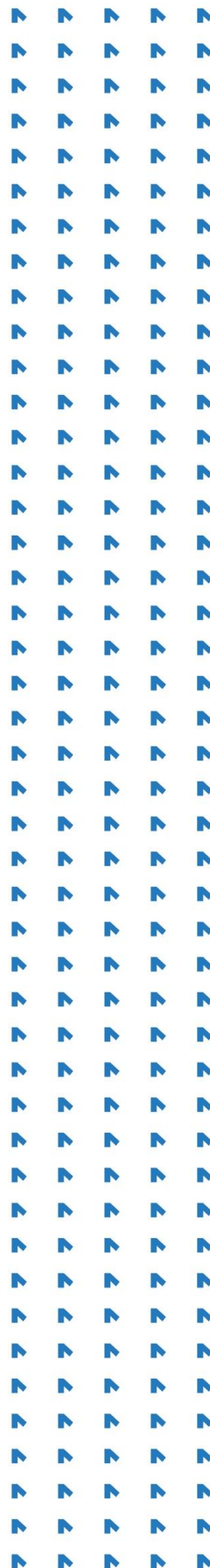
It is possible that any proposed deviation from the approved plans could be classed as a 'material' change requiring a further application/permission. In the event that any change is proposed,

applicants are advised to seek advice from the Local Planning Authority [as proceeding without the necessary permissions could nullify this permission].

5. KENT COUNTY COUNCIL HIGHWAYS AND TRANSPORTATION

It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of the highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The development hereby permitted requires works to be undertaken in the public highway adjacent to the site. Prior to starting work you must first contact KCC Highways and Transportation on 030000 41 81 81 to ascertain what work is required and the procedure to be followed to progress this to completion.

Appendix 3





Application: 20231301

**TOWN AND COUNTRY PLANNING ACT 1990
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2015 (AS AMENDED)**

NOTIFICATION OF GRANT OF PERMISSION TO DEVELOP LAND
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To: **Hayer Investments South Ltd
C/O Mr Harry Johnson, Mialex
Work.Life
Core
Brown Street
MANCHESTER
M2 1DH**

TAKE NOTICE that the **GRAVESHAM BOROUGH COUNCIL**, the Local Planning Authority under the Town and Country Planning Acts, has **GRANTED PERMISSION** for development of land situate at:

**Land To Rear Of
15 - 17 Darnley Road
Gravesend
Kent
DA11 0RZ**

and being **Construction of a three storey building with habitable roof space to accommodate seven apartments with associated pedestrian access, private and communal amenity space, refuse and cycle storage.** Your application dated 19th March 2024 is permitted subject to the following:-

1. The development hereby approved shall be begun not later than 3 years following the date of this decision.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following schedule of approved plans:

Application Form
Location Plan
21-1431-01E - Plans and Block Plan as Proposed
21-1431-02D - Plans as Proposed
21-1431-03F - Elevations as Proposed
23-1431-04F - Sections as Proposed
23-1431-05 - Shadow Maps

Reason: For the avoidance of doubt and in the interests of proper planning.

3. Prior to above ground works commencing, details and samples of all materials and finishes to be used in the external faces of the building (bricks, tiles, rainwater goods, windows and doors) shall be submitted to and approved in writing by the Local Planning Authority; the development thereafter shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory visually attractive development which preserves and enhances the Conservation Area in accordance with Saved Policy TC3 of the Gravesham Local Plan First Review (1994) and Policies CS19 and CS20 of the Gravesham Local Plan Core Strategy (2014)

4. Prior to the installation of the windows and doors, drawings to a scale of 1:10 and joinery details at a scale of 1:2 or full size shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to any of the flats hereby permitted first being occupied.

Reason In order to protect the character and appearance of the Conservation Area in accordance with Policies CS19 and CS20 of the Gravesham Local Plan Core Strategy (2014) and saved Policy TC3 of the Gravesham Local Plan First Review (1994).

5. Prior to above ground works commencing, full details of all boundary treatments, including their location, design, height and materials, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in full accordance with the approved details before the flats hereby permitted are first occupied and thereafter maintained.

Reason: In order to protect the character and appearance of the Conservation Area and to ensure a satisfactory environment for existing and future residents in accordance with Policies CS19 and CS20 of the Gravesham Local Plan Core Strategy (2014) and saved Policy TC3 of the Gravesham Local Plan First Review (1994).

6. Prior to the first occupation of any of the flats hereby permitted, full details of the refuse storage and collection arrangements shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in full accordance with the approved details before the flats hereby permitted are first occupied and thereafter maintained.

Reason: To safeguard the amenities of occupiers of adjoining and nearby residential properties and in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014).

7. Before the first occupation of the buildings hereby permitted, the windows, openings and any other glazing, in the West facing elevation shall be fitted with glass that has been obscured in the manufacturing process to Pilkington level 3 or higher (or equivalent) and shall be non-opening up to a maximum height of 1.7m above internal floor level. Both the obscured glazing and the non-opening design shall be an integral part of the manufacturing process and not a modification or addition made at a later time. The windows shall thereafter be retained as such.

Reason: In order to safeguard the amenity and privacy of the occupants of the neighbouring properties in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy (2014).

8. Prior to above ground works, a scheme detailing the provision for 7 additional cycle parking spaces shall be submitted to and approved, in writing, by the Local Planning Authority. The scheme shall then be constructed in accordance with these approved

details and completed, in its entirety, prior to first occupation of the development. Thereafter the cycle parking shall be retained.

Reason: In order to ensure an acceptable levels of cycle parking provision, in accordance with adopted policies T1 and P3 of the Local Plan First Review 1994 and Policies CS11 and CS19 of the Core Strategy 2014.

9. Prior to above ground works commencing, details of soft landscaping and a planting plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in full accordance with the approved details before the flats hereby permitted are first occupied and thereafter maintained. Any trees or plants that die, are damaged, removed or become diseased within five years from the implementation of the soft landscaping scheme shall be replaced with trees or plants of a similar size and species during the next available planting season.

Reason: To ensure a satisfactory visually attractive development which preserves and enhances the Conservation Area in accordance with Saved Policy TC3 of the Gravesham Local Plan First Review (1994) and Policies CS19 and CS20 of the Gravesham Local Plan Core Strategy (2014)

10. Prior to above ground works commencing, details of hard landscaping shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in full accordance with the approved details before the flats hereby permitted are first occupied and thereafter maintained. Any trees or plants that die, are damaged, removed or become diseased within five years from the implementation of the soft landscaping scheme shall be replaced with trees or plants of a similar size and species during the next available planting season.

Reason: To ensure a satisfactory visually attractive development which preserves and enhances the Conservation Area in accordance with Saved Policy TC3 of the Gravesham Local Plan First Review (1994) and Policies CS19 and CS20 of the Gravesham Local Plan Core Strategy (2014)

11. Prior to commencement of any works, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority.

- (a) Routing of construction and delivery vehicles to / from site
- (b) Parking and turning areas for construction and delivery vehicles and site personnel
- (c) Timing of deliveries
- (d) Provision of wheel washing facilities
- (e) Temporary traffic management / signage

The development shall thereafter be carried out in full accordance with the approved details.

Reason In order to safeguard the amenity and privacy of the occupants of the neighbouring properties during construction in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy (2014).

12. Prior to above ground works commencing, details of all external lighting shall be submitted to and approved in writing by the Local Planning Authority; the development thereafter shall be carried out in accordance with the approved details.

Reason: In the interests of visual and residential amenity and in accordance with Policies CS12 and CS19 of the Gravesham Local Plan Core Strategy (2014).

13. Prior to completion of the development, a Scheme of Biodiversity Enhancement shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in full accordance with the approved details.

Reason In order to safeguard the amenity and privacy of the occupants of the neighbouring properties during construction in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy (2014).

14. Prior to commencement, a noise impact assessment shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in full accordance with the approved details.

The scheme shall demonstrate that:

- The internal ambient noise levels in all habitable rooms of the proposed residential dwellings shall not exceed the guideline LAeq values found in Table 4 of BS8233:2014.
- The maximum internal noise levels in all habitable rooms should not exceed 45dB LAmax more than 10 times per night in accordance with the Professional Practice Guidance on Planning & Noise and the WHO Guidelines for Community Noise.
- External areas shall be designed and located to ensure that amenity areas are protected on all boundaries as to not exceed 50 dBLAeq,16hr. If a threshold level relaxation to 55 dBLAeq,16hr is required for external areas full justification should be provided.

The development shall thereafter be carried out in full accordance with the approved details.

Reason In order to safeguard the amenity future occupants and the occupants of the neighbouring properties during construction in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy (2014).

15. 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 Local Planning Authority as to the appropriate measures to be taken to resolve the matter and they are satisfied that those measures have been carried out.

Reason In order to protect the amenity of occupiers in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014).

INFORMATIVES:-

1 WORKS OF CONSTRUCTION

Hours of work of construction site plant, equipment and machinery, should be restricted to not earlier than 7.00 a.m. and not later than 6.00 p.m. weekdays and Saturday working should be restricted to not earlier than 8.00a.m. and not later than 1.00 p.m. No work shall be carried out on Sundays, Bank or Public Holidays.

i. Suitable sound attenuation shall be used at all times in respect of all plant, machinery and equipment in operation on site in order to aid prevention of noise nuisance. Compliance with BS 5228: Part 1: 1984 and subsequent amendments regarding the use of equipment on site will be required in appropriate cases.

ii. A suitable method of control shall be used in order to aid prevention of dust nuisance arising from work activities on site.

iii. Burning of waste materials shall not be carried out on site. Such materials are to be stored in a suitable receptacle, as far from residential accommodation as reasonably practicable, pending disposal off site.

iv. Adequate arrangements shall be made to remove all waste material from the site on a regular basis and to dispose of it at a suitably licensed waste disposal site.

2 BUILDING REGULATIONS AND PARTY WALL ACT

This decision DOES NOT imply any consent which may be required under the Building Regulations or under any other enactment or provision. Nor does it override any private rights which any person may have relating to the land affected by this decision, including the provisions of the Party Wall etc. Act 1996.

3 DEVIATION FROM APPROVED PLANS

It is possible that any proposed deviation from the approved plans could be classed as a 'material' change requiring a further application/permission. In the event that any change is proposed, applicants are advised to seek advice from the Local Planning Authority [as proceeding without the necessary permissions could nullify this permission].

4 STATEMENT OF POSITIVE AND PROACTIVE APPROACH TO DECISION-MAKING

In accordance with Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), and paragraph 38 of the National Planning Policy Framework (NPPF) 2023, the Local Planning Authority has approached the assessment and determination of this application in a positive and creative way and, where appropriate, has worked pro-actively with the applicant to secure a development that is sustainable and that improves the economic, social and environmental conditions of the area, and that is in accordance with the Development Plan for the area.

5 AGREEMENT FOR IMPOSITION OF PRE-COMMENCEMENT CONDITION(S)

In accordance with The Town and Country Planning (Pre Commencement Conditions) Regulations 2018 and paragraph 36 of the Planning Practice Guidance the Local Planning Authority has agreed in writing with the applicant on 09/02/2024 to the inclusion of the following pre-commencement conditions.

Condition 12

Condition 15

6 KCC HIGHWAYS

It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.

Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the public highway. Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil. Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all

development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process.

Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website: <https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissions-and-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181

7 NAMING & NUMBERING

As a result of the changes to this property, it appears that a change has to be made to the national property gazetteer. It is a legal requirement that a property or premises is registered.

The Naming and Numbering Certificate, when issued, will reduce location or delivery problems via Royal Mail or other carriers, and importantly for the Police, Ambulance, and Fire & Rescue services. Registration is also necessary to register to vote, for utility connections, and will avoid duplicate addresses.

The Naming and Numbering service is provided by the Borough Council. The on-line form is available at the Planning/House Numbering page of the council's web-site <http://www.gravesham.gov.uk/street-naming>. Please submit the application and the requisite fee in accordance with the guidance on the form.

Dated: 14 May 2024

Civic Centre
Windmill Street
Gravesend
Kent
DA12 1AU

Shazad Ghani
MPhil, MA, BA (Hons)
Head of Planning
Planning Service

NOTIFICATION TO APPLICANT

APPEALS TO THE SECRETARY OF STATE

- If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.
- If this is a **householder application*** which has been refused and you want to appeal against your Local Planning Authority's decision then you must do so within **12 weeks of the date of this notice**.
- For all other applications, refused or permitted, if you want to appeal against your Local Planning Authority's decision then you must do so within 6 months of the date of this notice.

- **For further information regarding Appeals and to make an application please click the relevant link:**
<https://www.gov.uk/appeal-householder-planning-decision>
<https://www.gov.uk/appeal-planning-decision>
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

***Householder applications**

These are:

- (a) applications for planning permission for development of an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse, or
- (b) an application for any consent, agreement or approval required by or under a planning permission, development order or local development order in relation to such development

but does **not** include –

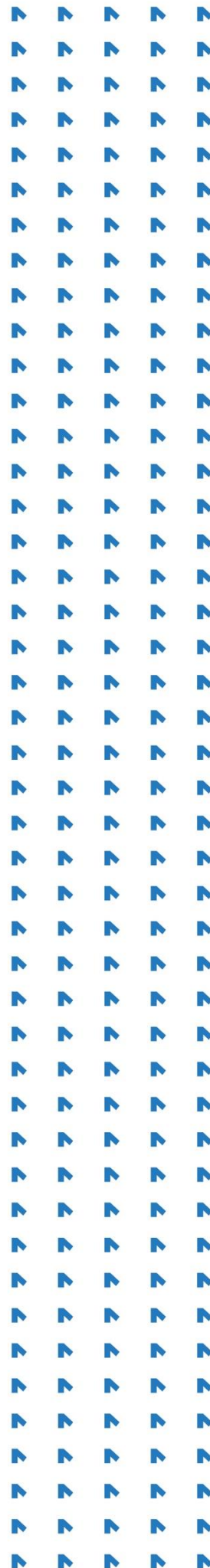
- (i) an application for change of use;
- (ii) an application to change the number of dwellings in a building.

PURCHASE NOTICES

If either the Local Planning Authority or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that he/she can neither put the land to a reasonably beneficial use in its existing state nor can he/she render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Appendix 4





Delegated Report

Householder Planning Application

Planning Application No: 20231301

Location: Land To Rear Of 15 - 17 Darnley Road Gravesend Kent

Description: Construction of a three storey building with habitable roof space to accommodate seven apartments with associated pedestrian access, private and communal amenity space, refuse and cycle storage.

Applicant: Hayer Investments South Ltd

Site Visit Date: 04/04/24

Submitted Documents/Plans

Application Form
Location Plan
21-1431-01E – Plans and Block Plan as Proposed
21-1431-02D – Plans as Proposed
21-1431-03F – Elevations as Proposed
23-1431-04F – Sections as Proposed
23-1431-05 – Shadow Maps
CGI Picture of Proposed Building and Details
Planning Statement

Superseded:

~~21-1431-01D – Plans and Block Plan as Proposed~~
~~21-1431-02C – Plans as Proposed~~
~~21-1431-03A – Elevations as Proposed~~
~~21-1431-03E – Elevations as Proposed~~
~~21-1431-03C – Elevations as Proposed~~
~~21-1431-03D – Elevations as Proposed~~
~~23-1431-04B – Sections as Proposed~~
~~23-1431-04C – Sections as Proposed~~
~~23-1431-04E – Sections as Proposed~~

Relevant Planning History

15 Darnley Road

Reference	Description	Decision	Decision Date
20100099	Application for Conservation Area consent for the demolition of 13 Darnley Road, The Lodge, Rathmore Road and front and rear boundary walls of 15 Darnley Road in connection with Gravesend Transport Quarter Maste	Permitted	12.01.2011

19880982	Conversion of dwelling into one maisonette and two bedsits	Permitted	13.01.1989
19880053	Conversion of dwelling into maisonette at basement and ground floor level with 2 no self-contained flats on the first and second floors.	Refused	22.08.1988
19830353	Conversion of dwelling into two self contained maisonettes incorporating single storey rear extension to form bathroom and lobby	Permitted	30.01.1984

17 Darnley Road

Reference	Description	Decision	Decision Date
20220831	Subdivision of the existing dwellinghouse to create three self-contained units with associated amenity space	Permitted	05.01.2023
19870645	Continued use of a vehicular access on to classified road	Permitted	11.04.1989

Transport Quarter Development

Reference	Description	Decision	Decision Date
20170704	Planning application no: GR/12/441/R15 details for making 15 Darnley Road pursuant to condition (15) of planning permission GR/12/441 at Rathmore Road Link, Land at and surrounding Rathmore Road, south of the Railway, Gravesend, Kent, DA11 0HP. KCC Decision 6.9.2018	Observations Sent	06.09.2018
20160053	Details of horizontal and vertical alignment, highway design and construction, enhancement of retained section of existing road, structures, walls and fencing, street furniture and traffic signs, acoustic barrier, lighting, landscaping, noise monitoring and disabled car parking, pursuant to conditions (3), (4), (5), (6), (7), (8), (9), (22) and (23) of planning permission 200120441. KCC decision 16 May 2016	Confirmed	15.02.2016
20120441	Application under Regulation 3 for improvements to Rathmore Road including its realignment through the existing car park at the eastern end to a new junction immediately south of 20 Stone Street, widening at the western end involving the demolition of 13 Darnley Road and The Lodge, Rathmore Road and signalisation of its junctions with Stone Street and Darnley Road. Improvements to the railway station forecourt, including the provision for taxis and disabled parking. (The proposed scheme is part of the Gravesend Transport Quarter Development which was granted outline planning permission in October 2010.) KCC Granted with conditions 14.11.14	Observations Sent	12.07.2012
20100099	Application for Conservation Area consent for the demolition of 13 Darnley Road, The Lodge, Rathmore Road and front and rear boundary walls of 15 Darnley Road in connection with Gravesend Transport Quarter Master Plan.	Permitted	12.01.2011
20100098	Outline application for the phased implementation of Gravesend Transport Quarter Masterplan including	Permitted	21.10.2010

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
- CS20 – Heritage and the Historic Environment

Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards
- TC3 – Development Affecting Conservation Area

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 5 – Delivering a Sufficient Supply of homes
- Section 11 – Making Effective Use of Land
- Section 12 – Achieving well-designed and beautiful places
- Section 16 – Conserving and Enhancing the Historic Environment

Supplementary Planning Guidance

- SPG2 - 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)
- Darnley Road Conservation Area Character Appraisal (2009)
- Management Plan – 19th Century Conservation Areas (2009)

Consultations, Publicity and Representations

Consultees

Ward Councillors

No comments received.

GBC Conservation Officer – 08/02/24

I've had a look at the proposals and suggest the following based on your observations. I think the hierarchy does need to be expressed but as a ground and first floor with the windows as proposed and then reduce height for the second floor and still further for the dormer roof windows. The window fenestration could also be rationalised to emphasise the Georgian window proportion. The proposals are contemporary and with these minor adjustments would respond to the Georgian town house model. See below. I would anticipate a thin profile metal framed window recessed back approximately 100mm from the face of the wall, so the details need to show this and be conditioned.



Officer Note:

- The conservation Officer also requested conditions to include details of materials, joinery details, details of railings, and landscaping conditions (specifically maintaining hedge to railing height for privacy.).
- Amended plans were received following comments, altering the fenestration as requested by the Conservation Officer.

GBC Waste and Refuse – 25/03/24

I have reviewed this planning application and I have the following issues/questions with the refuse and recycling storage for this building.

- The 2x 660ltr bins is not sufficient for a development of 7 flats. Our policy states that 1 x 1100ltr bins should be provided per 6 flats so we would expect to see 1 x 1100 ltr bins for both refuse and recycling collections plus a 23ltr bins for food waste. This is to meet the new “Simpler Recycling” regulations.
- There are no details on how the bins will be transported from the bin store to the public highway. Our policy states that collection crew members are not expected to move wheeled bins a distance greater than 15m nor over surfaces which hinder their smooth passage, for example, steps, slopes greater than 1 in 12 and uneven surfaces.
- The bin collection vehicle will be stationary within 12 metres of the traffic lights at the junction of Rathmore Road and Darnley Road. This is a main route through the town centre, the stationary vehicle will cause traffic congestion as it will take at least 10 minutes to collect, empty and return the bins.

GBC Housing Development and Strategy Manager
No comments received.

GBC Highways Officer – 03/01/24

As this is a town centre/edge of centre property, no car parking is required. Seven cycle parking spaces are required, and it is noted that provision is made for seven cycles. I have no highway objections.

GBC Environmental Protection Team – 02/01/24 and 03/04/24

The development site is close to the railway, Rathmore Road (which can be quite busy), and also adjacent to a car park. This could give rise to noise so a noise impact assessment will be needed to ensure that internal noise levels and also noise levels in the external amenity areas comply with those given in BS8233:2014.

To address this and other matters, the following conditions and informatives are recommended.

Noise Control

Prior to commencement, a noise impact assessment shall be carried out and submitted to the LPA for approval demonstrating that:

- The internal ambient noise levels in all habitable rooms of the proposed residential dwellings shall not exceed the guideline LAeq values found in Table 4 of BS8233:2014.
- The maximum internal noise levels in all habitable rooms should not exceed 45dB LAmax more than 10 times per night in accordance with the Professional Practice Guidance on Planning & Noise and the WHO Guidelines for Community Noise.
- External areas shall be designed and located to ensure that amenity areas are protected on all boundaries as to not exceed 50 dBLAeq,16hr. If a threshold level relaxation to 55 dBLAeq,16hr is required for external areas full justification should be provided.

Watching Brief

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 as appropriate to ensure that the construction impacts to nearby premises are minimised.

Lighting

Artificial lighting can cause a statutory nuisance under the Environmental Protection Act 1990. It is important that the applicants are not permitted to install external lighting that illuminate anything other than the ground within the curtilage of the new properties in order to assist in preventing a nuisance from occurring (which would be most likely if the bedrooms on neighbouring properties are illuminated).

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.

Officer Note: Smoke Control and Drainage are controlled by Building Control and so it would be

unnecessary to include these informatives.

KCC Highways Officer- 04/01/24 and 02/04/24

The development is located in a highly sustainable location and as such, I consider the nil provision of vehicle parking for the apartments to be acceptable. I am pleased to note that secure, covered cycle storage is to be provided for 7 cycles, which is in accordance with the requirements of Kent Residential Parking Standards (IGN3).

Consequently, provided the following requirements are secured by condition or planning obligation, then I would raise no objection on behalf of the local highway authority:-

- Provision and permanent retention of the cycle parking facilities shown on the submitted plans prior to the use of the site commencing.
- Submission of a Construction Management Plan before the commencement of any development on site to include the following:

- (a) Routing of construction and delivery vehicles to / from site
- (b) Parking and turning areas for construction and delivery vehicles and site personnel
- (c) Timing of deliveries
- (d) Provision of wheel washing facilities
- (e) Temporary traffic management / signage

Informative: It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.

Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the public highway. Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil. Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process.

Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website: <https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissions-and-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181

KCC Biodiversity Officer – 23/01/24

No ecological information has been submitted with this application. As a result of reviewing the data we have available to us, and the information submitted with the planning application, we advise that the proposed development has limited potential to result in significant ecological impacts.

We have taken this view due as the works will not result the demolition of any buildings and the satellite photos indicate that gardens are not overgrown with vegetation. As such, we are satisfied that there is no requirement for an ecological survey to be carried out at this time.

Lighting

Lighting can have a negative impact on nocturnal species and while we acknowledge that the site is located in urban area there is still a need to ensure that any additional lighting is designed to minimise light spill.

We recommend that if planning permission is granted the lighting condition has the following requirements:

- Be designed following best practice guidance within Bat Conservation Trust/Institute of Lighting Professional's 'Guidance Note 08/23 Bats and Artificial Lighting at Night'2
- Downward facing and on motion sensors

Ecological Enhancement/ Measurable Net Gain

Under section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 and paragraphs 180 and 186 of the National Planning Policy Framework (NPPF) 2023, biodiversity should be maintained and enhanced through the planning system. Additionally, in alignment with paragraph 186 of the NPPF 2023, the implementation of measurable net gains for biodiversity (integrated as part of design) should be encouraged. We highlight that due to the loss of the vegetated gardens the proposal will not result in a measurable net gain as per the requirements of the NPPF.

However, measures to benefit biodiversity can still be incorporated into the site (such as the inclusion of bat and bird boxes in the building) and we advise that if planning permission is granted, we advise the following condition is included.

Prior to completion, details of how the development will enhance biodiversity will be submitted to, and approved in writing by, the local planning authority. This will include integrated and/or wall-mounted bird and/or bat boxes. Wall-mounted boxes will be made of woodcrete to secure a suitably long-term and low maintenance biodiversity enhancement for the site. Any boxes for birds will be targeted at red or amber listed species (as per the latest British Trust for Ornithology Birds of Conservation Concern list). The approved measures will be implemented and retained thereafter.

Appendix 1 provides some generic (non-exhaustive) information regarding the most common enhancements we see proposed. Suitable detail may include the provision of information such as:

- The proposed target species;
- Make and model of any boxes;
- Location information such as height, aspect, surrounding habitat;
- Detailed planting schedules; and
- Relevant (basic) management necessary to ensure the habitat is suitable for the target species.

KCC Biodiversity Officer – Updated on 15/04/24

Internal building photos have been provided as part of this re-consultation. We when provided comments in January 2024 we understood that a new building was being erected and there would be no demolition or renovation works. The application form details that no works have commenced on site yet and therefore we can only presume that the photos have been submitted or uploaded on to the portal accidentally.

If no demolition/renovation works are being carried out on site we advise that the following comments from

January 2024 are still valid. If building are being impacted by the proposal please confirm what buildings will be impacted and we can review and update our comments.

Neighbouring properties

8 surrounding properties were consulted, and a site notice was placed on 4th April 2024. An advertisement was placed in a local newspaper on 12th January 2024. 2 no. comments have been received, objecting to the scheme. These comments are summarised as follows:

- The flats would have a negative impact on visual amenity.
- This would be unnecessary infill which would be out of character in the Conservation Area.
- The building described as storage in the application is the chapels of rest connected to the funeral business at no.19.
- The construction would be a disruption for grieving families.
- Construction and refuse vehicles would result in increased traffic congestion.
- If no.19 were re-instated as a residential property, the light and outlook from the upper floors would be lost as a result of this building.
- No vehicular parking and only cycle storage as proposed.
- External amenity space for no's 15 and 17 would be lost.

Following the consultation period, the planning agents have submitted a rebuttal to the comments. These are summarised as follows:

- The proposed scheme takes a 'contemporary reinterpretation' design approach informed by a details assessment of the sites constraints and visual character of the local area, complying with relevant local plan policies.
- Construction disturbance is not a material planning consideration and will be temporary. The applicant would be willing to accept provision of a Construction Environmental Management Plan and Construction Logistic Plan in order to safeguard neighbouring amenity during construction works.
- The site is in close proximity to the railway and bus station and KCC Highways have supported the car-free development in this location.
- 19 Darnley Road has a Class E commercial use and this planning application cannot consider potential future uses of neighbouring sites.
- The proposal complies with the Gravesham Residential Layout Guidance and would have no unacceptable impact on light or outlook of neighbouring properties.

Officer Note: The initial consultation took place in January. Plans were amended after the consultation period and neighbours and consultees were reconsulted. 0 comments were received from neighbours following the re-consultation.

Officer's Analysis

The Key Issues

The key planning considerations in the assessment of this revised application are as follows:

- The Principle of the Development
- Design and Impact of the Development on the Character and Appearance of the Conservation Area
- Suitability of the accommodation for future occupiers and compliance with local/national standards
- Impact on Local Residential Amenity
- Parking and Highway Issues
- Other Material Considerations - ecology/refuse arrangements etc.

Principle of Development

Policy CS02 Local Plan Core Strategy (LPCS) prioritises development in the urban area as a sustainable location for development. Policy CS02 seeks to achieve this by: Promoting regeneration by prioritising the redevelopment and recycling of underused, derelict and previously developed land in the urban area. The site is within a sustainable location within an urban residential area as per Policy CS02.

The National Planning Policy Framework (NPPF) is explicit that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses. Paragraph 123 advises that *'Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.'*

Housing Need and Sustainability

Local Plan Core Strategy Policy CS02 sets out the Borough's objectively assessed need for housing over the Plan period (up to the year 2028) and finds that there is a need for over 6,000 new dwellings in that time. Evidence now available shows that the Council is not able to currently demonstrate a five-year housing supply.

Given Gravesham's current inability to demonstrate a 5 year housing land supply (a 2.9 year supply has most recently been calculated within the statement published here:

<https://www.gravesham.gov.uk/downloads/file/266/5-year-housing-land-supply-statement-2022-2027>)

As the delivery of housing was substantially below (less than 75%) that required by the Housing Delivery Test, the housing delivery element of Core Strategy Policy CS02 must be regarded to be out of date, as required by the Paragraph 11(d) of the NPPF. 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 paragraph 187) and/or designated as Sites of Special Scientific Interest;
- land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, 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 72); and
- 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 NPPF 2023 (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 residential development/use of the site supports the Governments greater emphasis on delivering and prioritising housing land as set out in the current version of the NPPF (section 5 - delivering a sufficient supply of homes).

The redevelopment of sites within the urban area can help reduce the pressures for the release of fresh land in rural locations, which is of particular importance in a Local Authority constrained by Green Belt policy. This would be in conformity with paragraphs 124 and 146 of the NPPF. Evidence of land scarcity can be found in Table 7 of the Five-Year Housing Land Supply Statement 2022-2027 (dated March 2023), which identifies a shortfall in the supply of housing sites of 1,785 dwellings.

Therefore, the development of the site for a net increase of 7 units would offer a minimal contribution towards meeting this local need and, accordingly, weighs in support of this application.

However, this has to be balanced against other requirements of the NPPF and in particular paragraphs 135 and 139 of the NPPF which requires development to add to the overall quality of the area, be visually attractive, sympathetic to local character and create acceptable amenity for future occupiers.

Notwithstanding the Council's shortages in housing delivery and the consequent weight to be given in favour of the proposed development it is necessary to assess the proposals against the policies in the National Planning Policy Framework (NPPF) and established local planning policy taken as a whole. There are a number of other material planning issues that need very careful consideration in the assessment of this application.

Conservation Area, Design, Character and Appearance

This application is located in the Darnley Road Conservation Area, which is subject to both the Darnley Road Conservation Area Character Appraisal (2009) and Management Plan – 19th Century Conservation Areas (2009).

The Conservation Area Character Appraisal identified 2 main character areas; Area 1 – Darnley Road and Area 2 – Cobham Street and Darnley Street. This site falls into Area 1. The positive and negative features present in the Conservation Area should be considered in the assessment of the Design of this scheme and its impact on the Conservation Area.

It identifies the principal positive features of Character Area 1 as follows:

• Suburban character; • Variety of building form, style, scale and materials; • Arrangement of rows of semi-detached buildings or short rows of terraces facing each other across the road; • Nos. 29/31, 65/67, 69/71 and 76 Darnley Road are landmark buildings; • Buildings arranged with a common building line behind front gardens; • Domestic scale of building; • Pitched or hipped roofs covered in slate or tile, sometimes with decorated ridge tiles; • Use of yellow stock and red brick, sometimes with patterning; • Use of render for window and door details; • Shaped gables, turrets and full height canted bays;	• Gothic details on some buildings (nos. 65-67 Darnley Road); • Historic dormer windows (no. 76 Darnley Road); • Sash windows, retaining their original glazing pattern and divided into small panes, giving a predominantly vertical emphasis; • Brick chimneystacks (including the row of stacks on nos. 34 to 72, which are not included in the designation); • Elaborate ironwork on top of low boundary wall outside no. 88 Darnley Road; • Cast iron balconies (nos. 13 -16 Darnley Road)
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In this case, the proposed development would retain a suburban character, with a design and character which is reflective of the wider setting by using similar design features in terms of position, fenestration, materials (Yellow and red stock brick with slate roof) and garden frontages with railings. However it would have its own distinct appearance ensuring a varied and interesting appearance within the Conservation

Area.

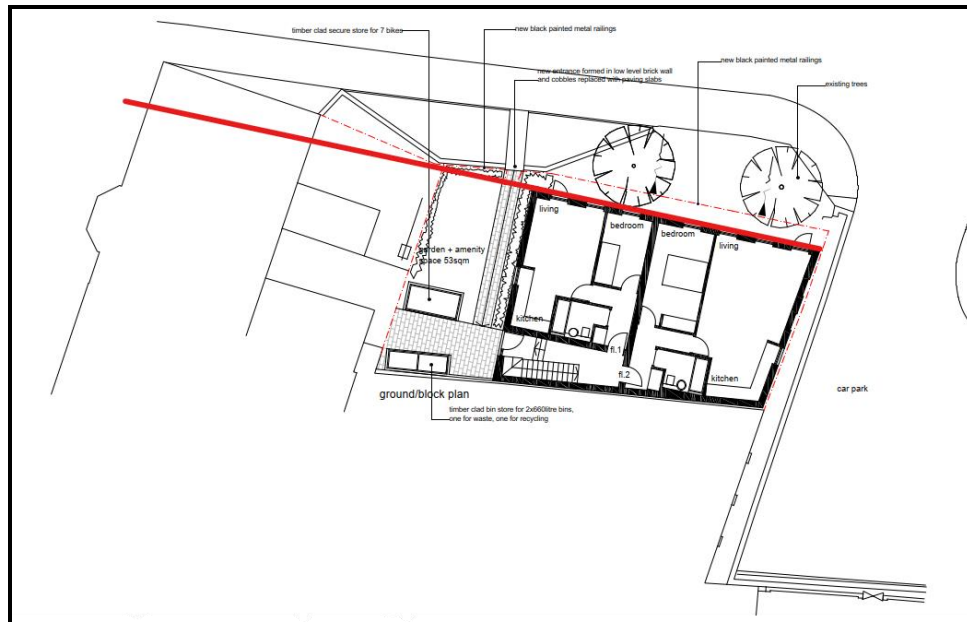
The principal negative features are identified as follows:

- Some modern infill (between nos. 19-21 Darnley Road and behind no. 90 Darnley Road) with a more horizontal emphasis and using modern materials, contrasting with the proportions and materials of the historic buildings (no. 74 Darnley Road);
- Infilling of gaps between the semi-detached houses;
- The general appearance of the lane between Spencer Street and Arthur Street and the outbuildings and garages in the rears of Darnley Road properties at this location;
- General rundown appearance of properties due to sub-division; e.g. nos. 29/31 and 37/39 Darnley Rd, and No. 2-4 Pelham Road;
- Vacancy, or part-vacancy, and under-maintained condition of no. 84 Darnley Road;
- Loss of architectural features, notably sash windows;
- Modern shop signage (no.31a Darnley Road);
- Impact of neighbouring commercial

It is noted that the proposed development would result in increased modern development, where previous modern development has harmed the character of the area. However, in a town centre location and in a sustainable location such as this, modern development is not in principle harmful. However, given the precedent of harm caused by existing modern additions which use modern materials and do not reflect the vertical design of more traditional buildings, it is of increased importance that the current proposal avoids this. The vertical design and reflective materials are maintained in the proposed development ensuring traditional elements are carried through. Conditions would be required to ensure that they would be of a high quality, appropriate for the Conservation Area. This development would not exacerbate any of the negative features of the area, in fact new development may encourage improved maintenance of other nearby run down buildings.

Layout and Street Pattern

The front elevation build line would follow a similar orientation to the street, and would be set back from the side elevation of 15 Darnley Road as the line drawn on the proposed plan (Not to Scale), shows below:



It is worth noting that this road network has previously been widened and as a result demolished what was '13 Darnley Road', which was originally the corner building. This proposal would have the benefit of reinforcing the new street pattern, establishing 15 Darnley Road as the corner plot and reinforcing an appropriate build line. The proposed building would not have a disproportionately large footprint, when compared to other buildings in the area, particularly as the dwellinghouses are generally terraces along this section of Darnley Road and immediately to the south on Cobham Street.

Height and Massing

The plans show that the building would be approx. 1.8 lower than the frontage terrace of 15-19 Darnley Road. The use of a mansard roof to accommodate the third floor, would further reduce the height of the building from a visual perspective. The use of windows and dormers in shorter height at the third and fourth floor would also contribute to this. This is evident in the image below:



Design

This scheme has evolved during the progression of this application. Originally the North Elevation was as

follows:



The now proposed North Elevation is as follows:



As can be seen, engagement with the planning agent has led to an improved design impact on the streetscene. Changes relate to setting the building further down, reduction in fenestration height to the upper floors, reduction in scale of the third floor/roof, with hips to either end. The impact of this is a building which would more appropriately correspond to the character of the area, in particular the street incline, more subservient in appearance and less impactful on neighbours.

As per the Conservation Officer comments, the proposed building, would have the appearance of a Georgian Townhouse. Whilst its overall appearance would not directly reflect that of neighbouring dwellinghouses, it would provide a sensitive approach. Its modern appearance and design would be appropriate in the urban area, near the Town centre whilst the materials, window placement, height and massing, would be reflective of the high quality of the wider, Conservation Area, subject to conditions. The proposed design has evolved over the consideration of this application, the result is a reduced bulk and height, more sensitive design in particular with the roof form and the declining slope of the street. The result

is a building which would be more sympathetic with the streetscene and local setting, which would not exacerbate negative features of the Conservation Area but incorporate some key design features of the Conservation Area, which are considered to have a positive contribution, conserving the character and appearance of the Conservation Area.

On balance, the proposed development would comply with the requirements of Policy CS19 and CS20 of the Core Strategy 2014, Saved Policy TC3 of the Gravesham Local Plan: First Review (1994) and Section 12 and 16 of the NPPF (2023), Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in terms of design, character and appearance and impact on the Conservation Area.

Amenity of Future Occupiers

Policy CS19 (Development and Design Principles) of the Gravesham Local Plan Core Strategy 2014 requires that all development should be 'fit for purpose' and be 'adaptable to allow changes to meet the need of users' and that 'the design and layout of new residential development, including conversion, will accord with the adopted Residential Layout Guidelines'

This scheme would provide 7 flats. 3 would be single occupancy 1 bedroom units, 3 would be double occupancy 1 bedroom units, and 1 would be a 2 bedroom unit with double bedrooms. The flats would be spread across 4 floors, with 2 single bedroom flats each on the ground, first and second floors and 2 bedroom flat with a small terrace on the entirety of the third floor. All units would be accessible from the west side of the building, with additional accesses for the 2 ground floor units at the north elevation (facing the street). A garden space of 53sqm would be provided alongside the communal access to the west with cycle and bin stores.

To ensure that adequate living space is provided for future residents, the units need to meet the national technical standards (Nationally Described Space Standards) and the GBC Residential Layout Guidelines.

	Flat 1 (m²)	Flat 2 (m²)	Flat 3 (m²)	Flat 4 (m²)	Flat 5 (m²)	Flat 6 (m²)	Flat 7 (m²)	Minimum Space Standards (m²)
Double Bedroom	N/A	14	N/A	14	N/A	14	Bedroom 1: 12 Bedroom 2: 13.5	11.2
Singles Bedrooms	7.8	N/A	7.8	N/A	7	N/A	N/A	6.5
Living Room	19(with open plan kitchen)	30.3(with open plan kitchen)	19(with open plan kitchen)	30.3(with open plan kitchen)	19(with open plan kitchen)	30.3(with open plan kitchen)	32(with open plan kitchen)	13.2
Dining Room	N/A	N/A	N/A	N/A	N/A	N/A	N/A	9.5
Kitchen	19 (with open plan Living Room)	30.3 (with open plan Living Room)	19 (with open plan Living Room)	30.3 (with open plan Living Room)	19 (with open plan Living Room)	30.3 (with open plan Living Room)	32 (with open plan Living Room)	7.2
Kitchen/Diner	N/A	N/A	N/A	N/A	N/A	N/A	N/A	12
Lounge/Diner	N/A	N/A	N/A	N/A	N/A	N/A	N/A	18
Bathroom & WC	4	4	4	4	4	4	4	3.5

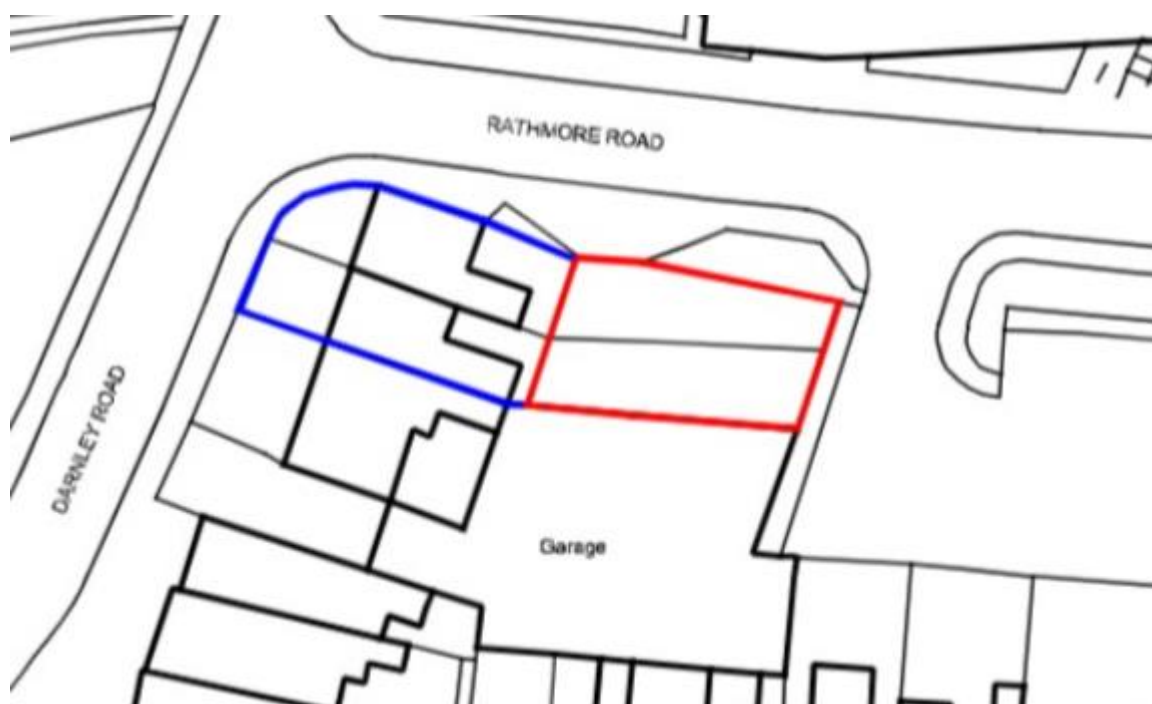
Bathroom Only	N/A	N/A	N/A	N/A	N/A	N/A	N/A	2.8
WC Only	N/A	N/A	N/A	N/A	N/A	N/A	N/A	1.3
Hallway Width	1000mm	1000mm	1000mm	1000mm	1000mm	1000mm	1000mm	900mm Width

As the above table shows, the rooms for all flats comply with the Minimum Space Standards with exception of the Living room and Kitchen. As the living and kitchen spaces are open plan and combined, it would be reasonable to combine the minimum space standards for these rooms, which would result in a space standard of 20.4m². However, flat 1, 3 and 5 have an internal area of 19m² for the kitchen and living area. Given that all other rooms comply and the overall internal floor area is satisfactory, and that there is not a substantial shortfall, it would not be reasonable to refuse the scheme based on this shortfall alone.

The pathway to the entrance also incorporates an external amenity space of 53m². An amenity space of 10m² in addition to footpaths is required for communal flats as per paragraph 31 of the Residential Layout Guidelines. The space provided excluding pathways would be 29m², which would be in excess of the minimum required.

However, it should be noted that there are different requirements for dwellinghouses and that the existing dwellinghouses 15 and 17 Darnley Road would have a reduced garden space as a result of this scheme and so the impact on garden amenity for those properties should also be considered.

As per planning application reference 19880982 15 Darnley Road was divided into three units in 1989. Application reference 20220831 allowed 17 Darnley Road to be divided into three units in 2022. As the blue area on the site plan indicates, both properties are owned by applicant.



The communal units in the three flats at 15 Darnley Road would retain a 24m² amenity space. Those at 17 Darnley Road would have a 17.3m² amenity space. This would be sufficient for both buildings as communal flats. The agent has provided photographic evidence that the internal works to subdivide the building for use as flats at 15 Darnley Road is underway. This evidence is considered sufficient to ensure that the building will be used as communal flats and the remaining external amenity space for the occupiers of these buildings would be retained. The planning agent in their correspondence have also noted that the site is in very close proximity to a range of outdoor amenity spaces such as Gravesend Cricket Club (0.3 mile/6 minute walk), Dashwood Park (0.5 mile/10 minute walk), Woodlands Park (0.7 mile/13 minute walk),

Windmill Hill Park and Gardens (0.5 mile/10 minute walk), Old Gravesendians Rugby Football Club (0.7 mile/14 minute walk) and Riverside Leisure Park (0.6 mile/13 minute walk). This is a reasonable assessment of the local, public, external amenities space and further justifies the space provided.

As such the proposal would safeguard the amenity of future occupiers in compliance with Policy CS19 (LPCS) as well as Section 12 of the NPPF. This would also include the bin store and a secure cycle store.

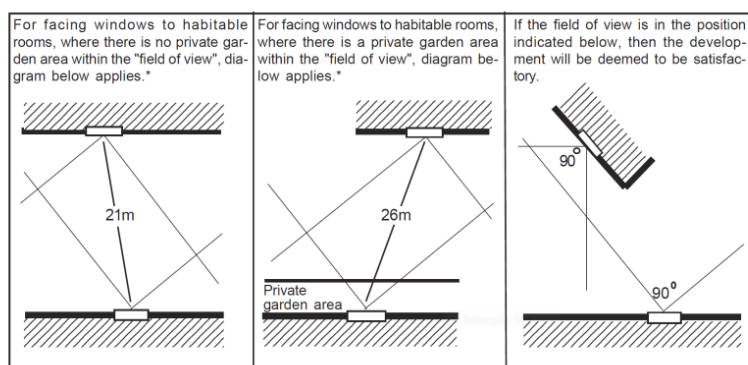
Neighbouring Amenity

The proposed building would be adjacent to 15 and 17 Darnley Road to the West. To the south there is a single storey outbuilding, associated with 19 Darnley Road, which is used as a Funeral Home and has no residential use, as such there would be no impact on residential amenity for this building, as there are no residential occupants. Beyond this to the South there is a row of terraces (30-33 Cobham Street).

15 and 17 Darnley Road

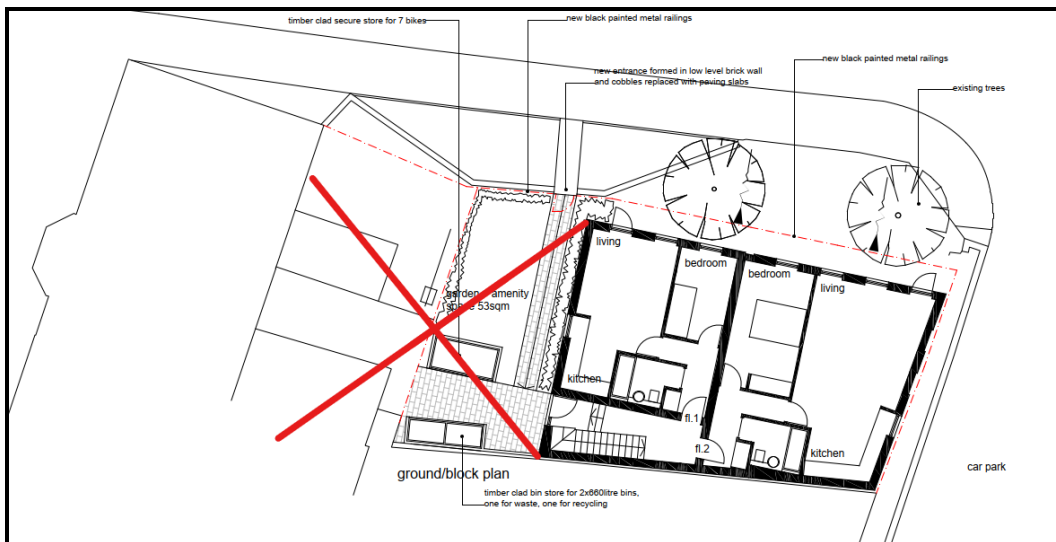
These neighbours are located to the west. The proposed building would be set in from the boundary with these neighbours by 5m. Both of these properties have single storey rear projections. The proposed building would be 6.45m-7.3m from the single storey elements of these neighbours and 11.5 metres from the rear two storey elements of these neighbouring buildings. There would be openings facing this property serving kitchen and communal staircase. The Residential Layout Guidelines provides minimum privacy distances between openings as follows:

Figure 1



* A 90° field of view is measured from the central point of a window of a habitable room on any elevation, to where it overlaps a 90° field of view from the central point of a window to a habitable room on any elevation of another property.

As there is a private garden area between the openings, the minimum distance between the openings should be 26m. However, the plans state that these would be obscure glazed. This would be reserved by conditions along, with fixed glazing to an appropriate height. This would ensure appropriate privacy is retained.



45 Degree Test



25 Degree Test

As the above tests show, the proposed building would not result in any significant overshadowing as a result of the proposed development.

30-33 Cobham Street

These terraces are distanced 17m from the proposed buildings. This would require a privacy distance of 21m as per the Residential Layout Guidelines. Given the distance, there would be no significant overshadowing. Although, the windows would have less than the required 21m distance, there would be no south facing openings and so no overlooking to these neighbouring properties.

The proposal is therefore considered to safeguard the amenity of neighbouring properties in compliance with policy CS19 of the Core Strategy 2014.

Parking and Highway Issues

The proposed development does not provide any car parking facilities. It would provide provision of cycle storage for 7 cycles. The site is in a highly sustainable location, near the Town Centre and so provision of vehicle parking spaces would not be necessary in this instance. This is further justified given that the site is on the opposite side of the road to the train station, with high speed services to London. It is also within a 5 minute walk from the newly refurbished transport hub. Both the GBC Highways Officer and KCC Highways Officer have supported this position. KCC Highways have offered their support of the scheme subject to conditions which would ensure the provision and permanent retention of the cycle parking facilities shown

on the submitted plans prior to the use of the site commencing and would require the submission of a Construction Management Plan before the commencement of any development on site to include the following:

- (a) Routing of construction and delivery vehicles to / from site
- (b) Parking and turning areas for construction and delivery vehicles and site personnel
- (c) Timing of deliveries
- (d) Provision of wheel washing facilities
- (e) Temporary traffic management / signage

Subject to conditions, adequate vehicle and cycle parking provision would be available in accordance with paragraphs 114 to 117 of the National Planning Policy Framework (2023), Saved Policies T1 and P3 of the Local Plan First Review (1994) and Policies CS11 and CS19 of the Core Strategy 2014 subject to further details of cycle parking provision.

KCC Biodiversity

The KCC Biodiversity Officer has commented on the application, advising that they are satisfied that no ecological survey needs to be carried out at this time. They have however advised that should planning permission be granted they integrated bat and bird boxes should be incorporated into the building and a lighting condition should be applied.

Subject to the inclusion and compliance with relevant conditions, the proposed development would ensure biodiversity on the site would be maintained and enhanced in accordance with paragraphs 180 and 186 of the National Planning Policy Framework (2023).

The Thames Estuary and Marshes Ramsar site and Special Protection Area (SPA)

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 waterbirds 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 have decided to impose a tariff on new housing development. Developers will need to pay £328.27 (previously £314.05) for every new dwelling 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.

Where there are no other contributions required for a development applicant's generally have chosen to submit the payment of £314.05 per dwelling by filling in the Strategic Access Management and Monitoring Strategy (SAMMS) Agreement. By filling in this form there are no legal fees to be paid by the applicant and refund mechanisms are in place in the event of a refusal.

The applicant has completed the SAMMS Mitigation Contribution Agreement and made the required payment, addressing this issue.

Therefore, the development would comply with the requirements of the Habitat Regulations and Section 14 (specifically paragraphs 180 and 181) of the National Planning Policy Framework 2023 and Policy CS12 of the Gravesham Local Plan Core Strategy (2014).

Refuse Arrangement

Should the application be approved, details of refuse arrangements would be required. This would be reserved via planning condition.

Environmental Protection

The Environmental Protection Team have raised concerns regarding noise control and requested inclusion of a condition to address this, given the number of units to be provided and the proximity to other nearby residences, the road and the train station, this would be reasonable. Conditions to cover lighting, potential contamination and an informative for the code of development practice would be included where approved.

Drainage requirements are covered by Building Control legislation and so it would not be reasonable to cover this in the decision notice. A smoke control information will be included where approved, as requested.

Conclusion & Recommendation

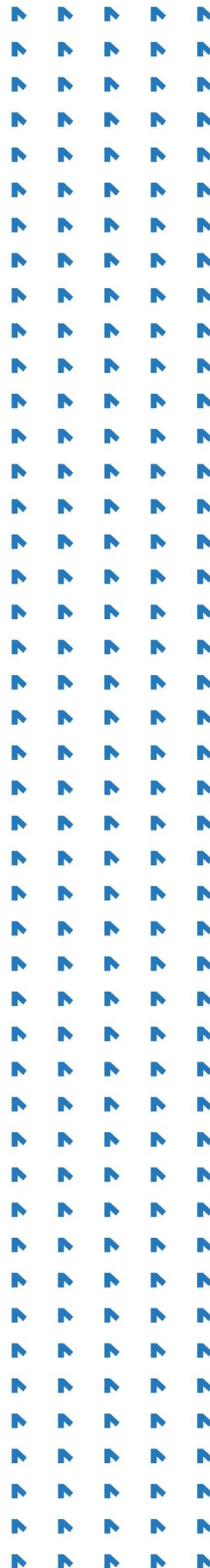
The proposed development would be in a sustainable, urban location, near the Town Centre. The provision of 7 residential units, would provide a modest contribution to the housing supply shortfall. The proposed design, including the position, height, massing and design features, would result in a building which would be of good design, conserving the high-quality status of the Conservation Area. The internal rooms, mostly meet the minimum space standards required, with exception of the combined living room/kitchen on 3 of the 7 flats, which would be below the required standards. The external amenity space would comply with the minimum space standards required. With appropriate use of design features such as obscure windows, and careful positioning of the windows and hipped roof, there would be no substantial impacts on residential neighbour from overshadowing, or direct overlooking. Given the sustainable location of the site no vehicle parking provision is required. Cycle storage would be provided and would contribute to encouragement of cycling as a sustainable, active travel solution. Given the nature of the site as residential garden in an urban area, no biodiversity issues have presented, and the applicant has paid the SAMM's contribution to appropriate mitigate harm to the Thames Estuary and Marshes Ramsar Site and Special Protection Area (SPA). Whilst the refuse details provided appear to be undersized for the requirements of the flat, there is adequate spacing to provide appropriate refuse facilities. Environmental issues relate to Noise Control, Lighting and Contamination would be reasonably addressed via condition.

On balance, the proposed development would comply with all relevant national and local planning policies, subject to details reserved by conditions.

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

Case Officer:	Mrs Lisa Fisher	Team Leader:	
Signed:		Signed:	
Dated:	13 th May 2024	Dated:	

Appendix 5





Application: 20160741

**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2015**

NOTIFICATION OF GRANT OF PERMISSION TO DEVELOP LAND

To: **Mr Paul Howard
4 Melbourne Quay
West Street
Gravesend
Kent
DA11 0BX**

TAKE NOTICE that the **GRAVESHAM BOROUGH COUNCIL**, the Local Planning Authority under the Town and Country Planning Acts, has **GRANTED PERMISSION** for development of land situate at:

**4 Melbourne Quay
West Street
Gravesend
Kent
DA11 0BX**

and being **replacement of 2 no. sash windows and 1 no. bay windows to front elevation.**
Your application dated 27th July 2016 is permitted subject to the following:-

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason In pursuance of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in precise accordance with the following submitted plans and particulars or pursuant to any condition hereinafter contained and there shall be no deviation therefrom without the prior permission in writing of the Local Planning Authority:-

- Site location Plan; and
- Document providing annotated photographs of existing windows and details of proposed windows.

Reason For the avoidance of doubt and to ensure a satisfactory standard of development.

Dated: 21 September 2016

Civic Centre
Windmill Street
Gravesend
Kent
DA12 1AU

Clive Gilbert

Service Manager, Development Management
Planning & Regeneration Services

INFORMATIVES:-

1 DEVIATION FROM THE APPROVED PLANS

It is possible that any proposed deviation from the approved plans could be classed as a 'material' change requiring a further application/permission. In the event that any change is proposed, applicants are advised to seek advice from the Local Planning Authority [as proceeding without the necessary permissions could nullify this permission].

2 BUILDING REGULATION CONSENT

The granting of planning permission is independent from the granting of Building Regulations consent (which may, or may not, be required). In the event of a change to the scheme granted planning permission being required to satisfy the Building Regulations, applicants are advised to seek advice from the Local Planning Authority [as proceeding without the necessary permissions could nullify this permission].

3 PARTY WALL ACT 1996

Applicants are reminded of their responsibilities under the Party Wall Act 1996. This legislation is not taken into account when determining a planning application and independent advice should be taken in this regard. In the event of application of this legislation requiring change to the permitted scheme, applicants are advised to seek advice from the Local Planning Authority [as proceeding without the necessary permissions could nullify this permission].

4 STATEMENT OF POSITIVE AND PROACTIVE APPROACH TO DECISION-TAKING

In accordance with Article 35 (2) of the Town and Country Planning (Development Management Procedure)(England) Order 2015, and paragraphs 186 and 187 of the National Planning Policy Framework, the Local Planning Authority has approached the assessment and determination of this application in a positive and proactive manner and, where appropriate, has worked with the applicant to secure a development that is sustainable and that improves the economic, social and environmental conditions of the area, and that is in accordance with the Development Plan for the area.

5 WORKS OF CONSTRUCTION

Hours of work of construction site plant, equipment and machinery, should be restricted to not earlier than 7.00 a.m. and not later than 6.00 p.m. weekdays and Saturday working should be restricted to not earlier than 8.00a.m. and not later than 1.00 p.m. No work shall be carried out on Sundays, Bank or Public Holidays.

i. Suitable sound attenuation shall be used at all times in respect of all plant, machinery and equipment in operation on site in order to aid prevention of noise nuisance. Compliance with BS 5228: Part 1: 1984 and subsequent amendments regarding the use of equipment on site will be required in appropriate cases.

ii. A suitable method of control shall be used in order to aid prevention of dust nuisance arising from work activities on site.

iii. Burning of waste materials shall not be carried out on site. Such materials are to be stored in a suitable receptacle, as far from residential accommodation as reasonably practicable, pending disposal off site.

iv. Adequate arrangements shall be made to remove all waste material from the site on a regular basis and to dispose of it at a suitably licensed waste disposal site.

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## **NOTIFICATION TO APPLICANT**

### **APPEALS TO THE SECRETARY OF STATE**

- If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.
- If this is a **householder application\*** which has been refused and you want to appeal against your Local Planning Authority's decision then you must do so within **12 weeks of the date of this notice**.
- For all other applications, refused or permitted, if you want to appeal against your Local Planning Authority's decision then you must do so within 6 months of the date of this notice.
- **Appeals must be made using a form which you can obtain from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN; telephone: 0303 444 5000; email: [enquiries@pins.gsi.gov.uk](mailto:enquiries@pins.gsi.gov.uk) or online at [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs).**
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

#### **\*Householder applications**

These are:

- (a) applications for planning permission for development of an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse, or
- (b) an application for any consent, agreement or approval required by or under a planning permission, development order or local development order in relation to such development

but does **not** include –

- (i) an application for change of use;
- (ii) an application to change the number of dwellings in a building.

### **PURCHASE NOTICES**

If either the Local Planning Authority or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that he/she can neither put the land to a reasonably beneficial use in its existing state nor can he/she render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is

situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

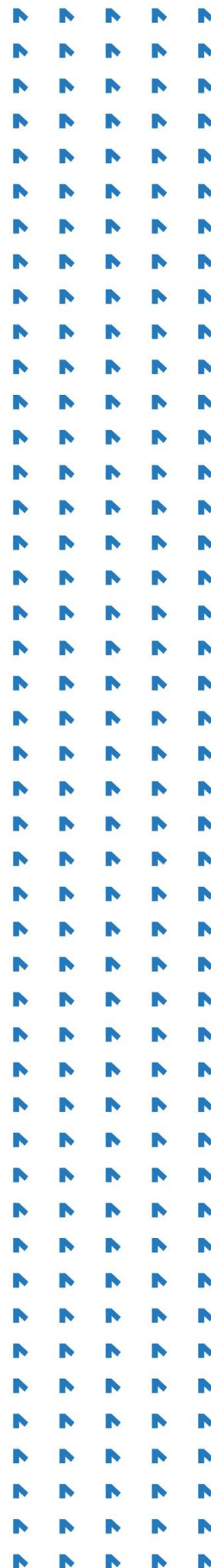
### **COMPENSATION**

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.

These circumstances are set out in Sections 114 and related provisions of the Town and Country Planning Act 1990.

Gravesham Borough Council

# Appendix 6



**Application: 20200510**

**TOWN AND COUNTRY PLANNING ACT 1990  
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)  
(ENGLAND) ORDER 2015 (AS AMENDED)**

|                                                            |
|------------------------------------------------------------|
| <b>NOTIFICATION OF GRANT OF PERMISSION TO DEVELOP LAND</b> |
|------------------------------------------------------------|

To: **Mr Amir Kahrimanovic  
Basement Flat  
11 Darnley Street  
Gravesend  
Kent  
DA11 0PJ**

**TAKE NOTICE** that the **GRAVESHAM BOROUGH COUNCIL**, the Local Planning Authority under the Town and Country Planning Acts, has **GRANTED PERMISSION** for development of land situate at:

**Basement Flat  
11 Darnley Street  
Gravesend  
Kent  
DA11 0PJ**

and being **Removal of rotten sash windows from the bay window fronting the property, replace with timber-foil-wrapped, PVCu sash windows. New windows will be the same size and fit in the same openings.** Your application dated 16th June 2020 is permitted subject to the following:-

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason In pursuance of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Application Form - dated 04/06/2020;  
Covering Letter - dated 04/06/2020;  
Design and Access Statement including Heritage Statement - received 05/06/2020;  
Supplementary Info - Quickslide Technical Guide - Legacy PVCu Sliding Sash Windows  
Supplementary Info - Quickslide Legacy - PVCu Sliding Sash Windows  
Supplementary Info - Replacement Windows, Design and Specification  
Supplementary Info - Technical Window Specifications (Fully Mechanical VS);  
Supplementary Info - Images of site and current windows;  
Ordnance Survey Site Location Plan (scale - 1:1250);  
Drawing no.01 - Existing and Proposed Front Elevation;  
Unnumbered Drawing - Proposed New Window Plans - received 15/06/2020.

Reason For the avoidance of doubt and in the interests of proper planning.

3. For the avoidance of doubt any works required as a result of the development hereby permitted in the making good of the window surrounds and external fabric of the building shall match those used in the existing dwelling.

Reason To ensure a satisfactory visual relationship between the existing and the new development in accordance with Policy CS19 of the Gravesham Local Plan: Core Strategy (September 2014).

## **INFORMATIVES:-**

### **1 STATEMENT OF POSITIVE AND PROACTIVE APPROACH TO DECISION-MAKING**

In accordance with Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), and paragraph 38 of the National Planning Policy Framework (NPPF) 2019, the Local Planning Authority has approached the assessment and determination of this application in a positive and creative way and, where appropriate, has worked pro-actively with the applicant to secure a development that is sustainable and that improves the economic, social and environmental conditions of the area, and that is in accordance with the Development Plan for the area.

### **2 BUILDING REGULATIONS AND PARTY WALL ACT**

This decision DOES NOT imply any consent which may be required under the Building Regulations or under any other enactment or provision. Nor does it override any private rights which any person may have relating to the land affected by this decision, including the provisions of the Party Wall etc. Act 1996.

### **3 DEVIATION FROM APPROVED PLANS**

It is possible that any proposed deviation from the approved plans could be classed as a 'material' change requiring a further application/permission. In the event that any change is proposed, applicants are advised to seek advice from the Local Planning Authority [as proceeding without the necessary permissions could nullify this permission].

### **4 WORKS OF CONSTRUCTION**

Hours of work of construction site plant, equipment and machinery, should be restricted to not earlier than 7.00 a.m. and not later than 6.00 p.m. weekdays and Saturday working should be restricted to not earlier than 8.00a.m. and not later than 1.00 p.m. No work shall be carried out on Sundays, Bank or Public Holidays.

i. Suitable sound attenuation shall be used at all times in respect of all plant, machinery and equipment in operation on site in order to aid prevention of noise nuisance. Compliance with BS 5228: Part 1: 1984 and subsequent amendments regarding the use of equipment on site will be required in appropriate cases.

ii. A suitable method of control shall be used in order to aid prevention of dust nuisance arising from work activities on site.

iii. Burning of waste materials shall not be carried out on site. Such materials are to be stored in a suitable receptacle, as far from residential accommodation as reasonably practicable, pending disposal off site.

iv. Adequate arrangements shall be made to remove all waste material from the site on a regular basis and to dispose of it at a suitably licensed waste disposal site.

Dated: 7 August 2020

Civic Centre  
Windmill Street  
Gravesend  
Kent  
DA12 1AU



**Service Manager - Development Management  
Planning & Regeneration Services**

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### **NOTIFICATION TO APPLICANT**

#### **APPEALS TO THE SECRETARY OF STATE**

- If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.
- If this is a **householder application\*** which has been refused and you want to appeal against your Local Planning Authority's decision then you must do so within **12 weeks of the date of this notice**.
- For all other applications, refused or permitted, if you want to appeal against your Local Planning Authority's decision then you must do so within 6 months of the date of this notice.
- **Appeals must be made using a form which you can obtain from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN; telephone: 0303 444 5000; email: [enquiries@pins.gsi.gov.uk](mailto:enquiries@pins.gsi.gov.uk) or online at [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs).**
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

#### **\*Householder applications**

These are:

- (a) applications for planning permission for development of an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse, or
- (b) an application for any consent, agreement or approval required by or under a planning permission, development order or local development order in relation to such development

but does **not** include –

- (i) an application for change of use;
- (ii) an application to change the number of dwellings in a building.

### **PURCHASE NOTICES**

If either the Local Planning Authority or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that he/she can neither put the land to a reasonably beneficial use in its existing state nor can he/she render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

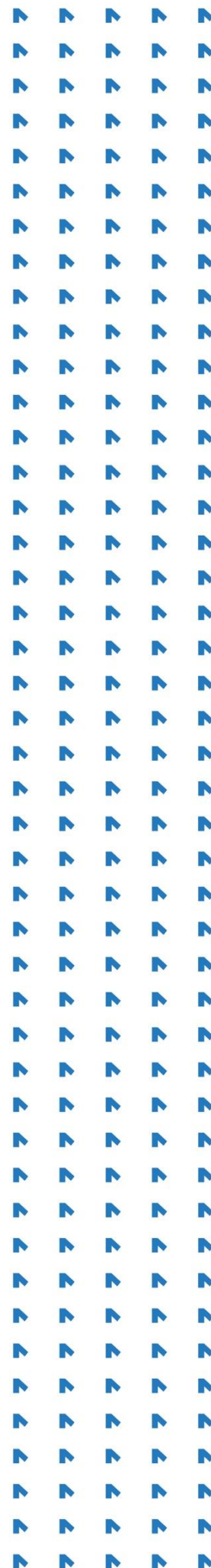
In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

### **COMPENSATION**

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.

These circumstances are set out in Sections 114 and related provisions of the Town and Country Planning Act 1990.

# Appendix 7



## Delegated Report

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|                        |                                                                                                                                                                                                |
|------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Application No:</b> | 20200510                                                                                                                                                                                       |
| <b>Location:</b>       | Basement Flat 11, Darnley Street, Gravesend, Kent, DA11 0PJ                                                                                                                                    |
| <b>Description:</b>    | Removal of rotten sash windows from the bay window fronting the property, replace with timber-foil-wrapped, PVCu sash windows. New windows will be the same size and fit in the same openings. |
| <b>Applicant:</b>      | Mr Amir Kahrmanovic                                                                                                                                                                            |
| <b>Site Visit:</b>     | N/A Desktop Assessment                                                                                                                                                                         |

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### Submitted Documents/Plans

The application comprises the following documents and plans:

Application Form - dated 04/06/2020;  
Covering Letter - dated 04/06/2020;  
Design and Access Statement including Heritage Statement - received 05/06/2020;

Supplementary Info - Quickslide Technical Guide - Legacy PVCu Sliding Sash Windows  
Supplementary Info - Quickslide Legacy - PVCu Sliding Sash Windows  
Supplementary Info - Replacement Windows, Design and Specification  
Supplementary Info - Technical Window Specifications (Fully Mechanical VS);  
Supplementary Info - Images of site and current windows;

Ordnance Survey Site Location Plan (scale - 1:1250);  
Drawing no.01 - Existing and Proposed Front Elevation;  
Unnumbered Drawing - Proposed New Window Plans - received 15/06/2020.

### Relevant Planning History

No relevant planning history.

### Development Plan

#### Gravesham Local Plan Core Strategy (September 2014):

- CS01 - Sustainable Development
- CS02 - Scale & Distribution of Development
- CS18 - Climate Change
- CS19 - Development & Design Principles
- CS20 - Heritage & the Historic Environment

#### Saved Policies in the Gravesham Local Plan First Review (November 1994):

- P3 - Vehicle Parking Standards
- TC3 - Development Affecting Conservation Areas

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that, with respect to buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

### **Other material considerations**

#### National Planning Policy Framework (February 2019)

- Section 2 - Achieving sustainable development
- Section 12 - Achieving well-designed places
- Section 16 - Conserving & enhancing the historic environment

#### Supplementary Planning Guidance

- SPG2 - Residential Layout Guidelines (1996)
- SPG 4 - KCC Parking Standards (2006)
- Conservation Areas - Windows and Doors design guidance (2020)
- Darnley Road Conservation Area Character Appraisal (2009)

The Darnley Road Conservation Area Character Appraisal (2009) sets out that the conservation area is characterised by 19th century suburban residential development in Darnley Road, Darnley Street and Cobham Street. It states that most of the buildings were constructed as substantial single family dwellings but that many have since been subdivided into smaller units.

Darnley Street itself is described as being mainly filled with continuous rows of terraced houses or tightly grouped paired villas, with narrow front gardens. The document refers to the concentrated placement of the buildings, the narrowness of the street and the height of the buildings as having a strong visual effect. It also refers to the front doors to buildings being raised up above a basement by a flight of steps, there being a coherent building line and the group value of terraces. Furthermore it states that Darnley Street retains attractive stretches of cast iron railings with a floral head detail but that many of these traditional boundary treatments have been removed.

Negative features of the conservation area include the loss of original features such as sash windows and the loss of original boundary treatments. The sub-division of properties into flats, particularly in Cobham Street and Darnley Street has been highlighted as leading to some erosion of the special character of the buildings, their settings and increased car parking which clutters the street scene.

### **Consultations, Publicity and Representations**

#### GBC Regulatory Services

No comment.

#### GBC Highway Development Management Officer

No comment.

#### GBC Conservation Architect

No comments received

#### Neighbouring properties

A notice was advertised in the Gravesham Messenger 26/06/2020.

Fifteen surrounding properties were consulted and three representations were received. The representations were registering their support for the application noting that the sensitive

replacement of the windows is appropriate and will improve the appearance of the property in the street scene.

## **Analysis**

### Character and Appearance

The application site forms a mid-terrace property situated in the Darnley Road Conservation Area and is also subject to an Article 4 Direction. The property has three storeys and an original front facing dormer serving rooms in the roof space. There are steps leading down to the basement level and steps leading up to the ground floor level of the dwelling. The property forms part of a group of late 19th Century terraces which are notable for being raised up above a basement by a flight of steps and for large bay windows at ground and basement level. By virtue of the original/traditional features and the style, detailing and building materials of this property and its associated group make a positive contribution to the special interest of the Conservation Area. Along with many other properties in this location the application property has already been converted into flats and the area is considered appropriate for conversion.

Due to its location within the Darnley Road Conservation Area; saved Policy TC3 of the Gravesham Local Plan First Review (1994) and Policy CS20 of the Gravesham Local Plan Core Strategy (LPCS) (2014) are relevant. Policy CS20 sets out that the Council will accord high priority towards the preservation, protection and enhancement of its heritage and historic environment. It states that proposals which preserve and, where appropriate, enhance the significance and setting of heritage assets will be supported. Additionally Section 16 of the National Planning Policy Framework (NPPF) concerns heritage assets, such as listed buildings and conservation areas, and states that these assets should be conserved in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life for this and future generations.

The application proposes the replacement of the basement level bay window with three uPVC double glazed units. The current windows at basement level are in a state of disrepair and the timber is decaying. As such the proposal will replace these with 'timber foil wrapped, double glazed, PVCu sash windows' that are designed to blend in with the traditional windows.

It is noted that the application site is subject to an Article 4 direction (reference Ar/99/4). The Article 4 Direction is considered of great weight in this case and demonstrates the importance the Council places on the contribution that property frontages make to the character and appearance of the Conservation Area. It removes householders' permitted development rights to carry out certain works to the front elevations of their properties, including the replacement of windows and doors. Article 4 is not retrospective and it is only as a replacement occurs that the Council can manage development proposals and in this case where original windows have been lost to expect proposals for replacements to be of a similar type to the original dwelling. This is so that over time there is an opportunity to reverse any harmful changes made to the Conservation Area and to restore some original character.

The application proposes a similar replacement window; the design and thickness of the proposed are considered in keeping with the features on this style of property and are in accordance with the information in the 'Conservation Area - Windows and Doors design guidance (2020)' for replacing sash windows. In this case the proposed windows are on the front elevation and will replace the three decaying windows forming the bay. The proposed windows are in-keeping with the original timber sliding sash, albeit using uPVC, are considered to be an improvement on the current windows and therefore preserve the Darnley Road Conservation Area.

It is concluded that the proposed replacement uPVC windows preserve the character and

appearance of the host property and the wider Conservation Area. It is therefore considered that the proposal complies with the statutory test of S72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and is in accordance with Policies CS19 and CS20 (LPCS) and Saved Policy TC3 of Gravesham's Local Plan First Review.

#### Amenity of Future Occupiers

The proposed window alterations are considered to safeguard the amenity of future occupiers in accordance with Policy CS19 (LPCS) and Section 12 of the NPPF (2019).

#### Neighbouring Amenity

The proposed development will not impact on the amenity of neighbouring properties in terms of outlook, privacy, loss of light or sense of enclosure. As such the proposal is in accordance with Policy CS19 (LPCS) and Section 12 of the NPPF.

#### Parking and Highways

There are no parking or highway issues related to this proposal.

#### **Conclusion**

The application has been fully considered and is in accordance with local and national planning policy.

Additionally following the reasons set out in this report the proposed uPVC replacement windows are considered passes the statutory test of S72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and is in accordance with Policy CS20 of the Gravesham Local Plan Core Strategy as well as saved Policy TC3 of the Gravesham Local Plan First Review.

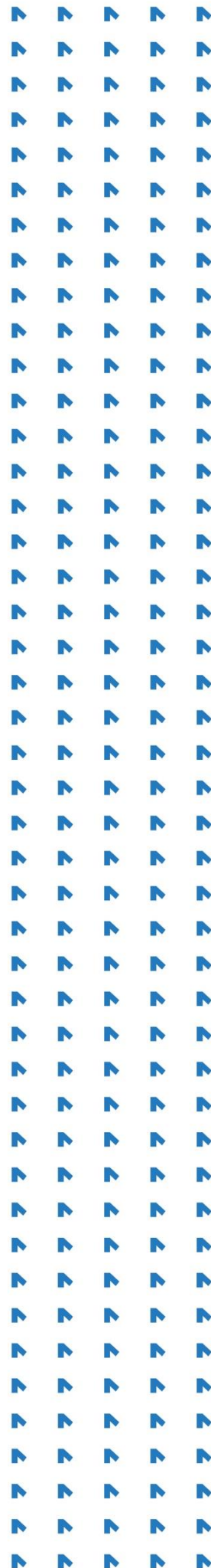
#### **Recommendation:**

Permission

#### **See draft Decision**

|                                                                                                    |                                                                                                     |
|----------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|
| <b>Case Officer:</b> Mr Ethan Bonthron                                                             | <b>Team Leader:</b> Peter Price                                                                     |
| <b>Signed:</b>  | <b>Signed:</b>  |
| <b>Dated:</b> 6 <sup>th</sup> August 2020                                                          | <b>Dated:</b> 6 <sup>th</sup> August 2020                                                           |

# Appendix 8





**Application: 20210252**

**TOWN AND COUNTRY PLANNING ACT 1990  
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)  
(ENGLAND) ORDER 2015 (AS AMENDED)**

**NOTIFICATION OF REFUSAL OF PERMISSION TO DEVELOP LAND**

To: **Mr Jake Fisher  
4 Lennox Road East  
Gravesend  
Kent  
DA11 0NB**

**TAKE NOTICE** that the **GRAVESHAM BOROUGH COUNCIL**, the Local Planning Authority under the Town and Country Planning Acts, has **REFUSED TO PERMIT** development of land situate at:

**4 Lennox Road East  
Gravesend  
Kent  
DA11 0NB**

and being **replacement of wooden sash windows at the front and side to double glazed upvc of the like for like design and colour.**

Your application dated 23rd March 2021 is refused on the following grounds:-

1. The replacement of the original wooden sash windows with UPVC, due to the bulkier and modern appearance, will have a harmful effect on the character and appearance of the Pelham Road/The Avenue Conservation Area and are therefore contrary to Policies CS19 and CS20 of the Gravesham Local Plan Core Strategy 2014, Policy TC3 of the Gravesham Local Plan 1994 and Section 16 of the National Planning Policy Framework 2019 which seek, amongst other things, development which preserves or enhances the character and appearance of Conservation Areas.

**INFORMATIVES:-**

**1 SUBMITTED DRAWINGS**

For the avoidance of doubt the submitted drawings are:

- Application form received 23 March 2021.
- Heritage Statement received 23 March 2021.
- Design and Access Statement received 23 March 2021.
- Quote from Thameside Windows received 23 March 2021.
- Drawing no. 1504-01 (site location and block plan) received 23 March 2021.
- Drawing no. 1504-02 (existing floor plans) received 23 March 2021.
- Drawing no. 1504-03 (existing elevations) received 23 March 2021.
- Drawing no. 1504-04 (proposed plans) received 23 March 2021.
- Drawing no. 1504-05 (proposed elevations) received 23 March 2021.
- Drawing no. 1504-06 (roof plans) received 23 March 2021.

**2 STATEMENT OF POSITIVE AND PROACTIVE APPROACH TO DECISION-TAKING**

In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure)(England) Order 2015 and paragraph 38 of the National Planning Policy Framework, the Local Planning Authority has approached the assessment and determination of this application in a positive and proactive manner and, where appropriate, has worked with the applicant to secure a development that is sustainable and that improves the economic, social and environmental conditions of the area, and that is in accordance with the Development Plan for the area. In this instance, the application is contrary to local and national policy, in particular Policies CS19 and CS20 of the Core Strategy 2014, TC3 of the Gravesham Local Plan 1994 and Section 16 of the National Planning Policy Framework 2019 in relation to preserving and enhancing Conservation Areas.

Dated: 10 May 2021

Civic Centre  
Windmill Street  
Gravesend  
Kent  
DA12 1AU

Wendy Lane MRTPI  
Assistant Director (Planning)  
**Planning Service**  
**Planning & Regeneration Services**

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NOTIFICATION TO APPLICANT

APPEALS TO THE SECRETARY OF STATE

- If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.
- If this is a **householder application*** which has been refused and you want to appeal against your Local Planning Authority's decision then you must do so within **12 weeks of the date of this notice**.
- For all other applications, refused or permitted, if you want to appeal against your Local Planning Authority's decision then you must do so within 6 months of the date of this notice.
- **Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.**
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

***Householder applications**

These are:

- (a) applications for planning permission for development of an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse, or
- (b) an application for any consent, agreement or approval required by or under a planning permission, development order or local development order in relation to such development

but does **not** include –

- (i) an application for change of use;
- (ii) an application to change the number of dwellings in a building.

PURCHASE NOTICES

If either the Local Planning Authority or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that he/she can neither put the land to a reasonably beneficial use in its existing state nor can he/she render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

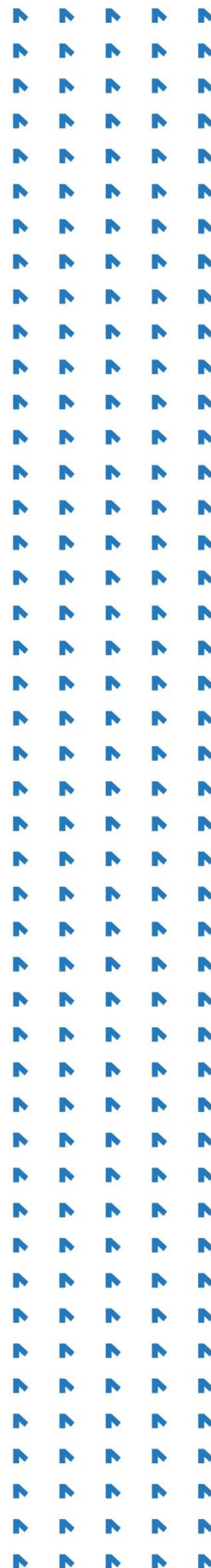
In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

COMPENSATION

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.

These circumstances are set out in Sections 114 and related provisions of the Town and Country Planning Act 1990.

Appendix 9





Delegated Report

Application No:	20210252
Location:	4 Lennox Road East, Gravesend DA11 0NB
Description:	Replacement of wooden sash windows at the front and side to double glazed upvc of the like for like design and colour.
Applicant:	Mr Jake Fisher
Site Visit Date:	Desktop

Submitted Documents/Plans

The application comprises the following documents and plans:

Application form received 23 March 2021.
Heritage Statement received 23 March 2021.
Design and Access Statement received 23 March 2021.
Quote from Thameside Windows received 23 March 2021.
Drawing no. 1504-01 (site location and block plan) received 23 March 2021.
Drawing no. 1504-02 (existing floor plans) received 23 March 2021.
Drawing no. 1504-03 (existing elevations) received 23 March 2021.
Drawing no. 1504-04 (proposed plans) received 23 March 2021.
Drawing no. 1504-05 (proposed elevations) received 23 March 2021.
Drawing no. 1504-06 (roof plans) received 23 March 2021.

Relevant Planning History

None

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

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

Paragraph 33 of the National Planning Policy Framework (2019) sets out those 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 The review 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 a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) generally conform with the National Planning Policy Framework (2019), the Council will also seek to replace these saved policies via the emerging Local Plan.

Saved Policies in the Gravesham Local Plan First Review (November 1994):

- P3 – Vehicle Parking Standards
- TC3 – Development Affecting Conservation Areas

Other material considerations

National Planning Policy Framework (2019)

- Section 2 – Achieving sustainable development
- Section 12 – Achieving well-designed places
- Section 16 – Conserving and enhancing the historic environment

Supplementary Planning Guidance

- SPG2 - Residential Layout Guidelines (2020)
- SPG 4 - KCC Parking Standards (2006)
- Pelham Road/The Avenue Conservation Area Character Appraisal (2009)
- Conservation Areas: Maintenance/Replacement Windows and Doors Guidance (2020)

Consultations, Publicity and Representations

KCC Heritage

No comments to make.

Cllr Hayre

As one of the 3 ward councillors, I have no objection for the replacement of the wooden sash windows to UPVC windows of a similar design.

There are some very good UPVC sash windows available in a slim profile, that will match the design of the wooden sash window and we must ask the applicants to consider them.

Neighbouring properties

The application has been advertised by site notice and individual letters to 23 properties. No letters of representation have been received.

Analysis

Proposal

Replacement of wooden sash windows at the front and side to double glazed upvc of the like for like design and colour. The plans show no details of the existing windows to an appropriate scale and are not a true reflection of what is on site.

Character, Appearance and Impact on the Conservation Area

The application site lies within the Pelham Road/The Avenue Conservation Area and within

Character Area 3: The Avenue and Lennox Road East. The principle positive features of the area are listed and include brick boundary walls, tiled paths, sash windows retaining their original glazing patterns giving a predominantly vertical emphasis. Negative features of the area include loss of original architectural features, such as windows, doors and roof tiles and their unsympathetic replacement. The applicant has stated that they proposed to replace the original sash windows with upvc that will appear the same. In practice this is rarely the case. The drawings submitted do not show the original windows accurately and are missing features that exist such as the horns and the handles. The proposed drawings look exactly the same and do not give any detail to meaningful scale. The drawings provided in the submitted quote are of standard upvc units and are not to scale; despite this it is clear to see the meeting rail is thicker than the existing windows and these are not a like for like replacement. No joinery/section details have been provided.

The Council have adopted guidance 'Maintenance/Replacement Windows and Doors Guidance'. This builds upon and provides more detailed information on Policies CS19: Development and Design Principles and CS20: Heritage and the Historic Environment of the Gravesham Local Plan Core Strategy 2014. It states that the guidance will be taken into account in Development Management decisions when considering proposals to replace or reinstate windows and doors in Conservation Areas across the Borough.

Traditional windows are often referred to as 'the eyes' of a building, providing material evidence of technologies, artisan skills and architectural styles integral to its character and the wider streetscape. Surviving windows and doors are an irreplaceable resource and contribute significantly to the character of a conservation area; the Council's approach is to preserve the integrity of historic buildings and conservation areas in Gravesham through retention, reinstatement and replacement of original architectural features for the benefit of both present and future generations.

Whilst, in some instances, upvc replacements may be acceptable the glazing will need to be slim (12mm thick sealed units), the windows must use solid (through) glazing bars, appropriate meeting rails, no more than 34mm thick, and timber profiles must be matched to the original profiles (section 7.16). No details of the profiles of the windows have been provided in the existing or proposed drawings.

The applicant has stated that there are a number of examples of upvc windows that have replaced original sash close by but has not provided details. Certainly the attached property at no. 2 has upvc windows (no planning permission) that serve to demonstrate the harm these cause to the character and appearance of the Conservation Area. The windows will appear as modern additions to the building which compromise the traditional appearance of the premises and the Conservation Area more widely. In a Conservation Area modern replacements are not justified by other pre-existing modern alterations. The test is whether the development, in itself, preserves or enhances the character and appearance of the Conservation Area and, in this case, it fails to do either.

Policy TC3 of the Gravesham Local Plan (1994) states that development will be expected to make a positive contribution to the Conservation Area. Policy CS19 of the Gravesham Local Plan Core Strategy 2014 states that new development will be visually attractive and will conserve and enhance the character of the local built, historic and natural environment. Policy CS20 of the Gravesham Local Plan Core Strategy 2014 states that the Council will accord a high priority towards the preservation, protection and enhancement of its heritage and historic environment as a non-renewable resource, central to the regeneration of the area and the reinforcement of sense of place. Proposals and initiatives will be supported which preserve and, where appropriate, enhance the significance of the Borough's heritage assets and their setting.

Paragraph 193 of the National Planning Policy Framework 2019 states that, when considering the

impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 196 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. The applicant has stated that the existing windows have fallen into disrepair and are not efficient however the merits of improving the conditions of the building do not constitute public benefits sufficient to outweigh the harm to the Conservation Area.

In summary, the proposed upvc windows will neither preserve or enhance the character and appearance of the Conservation Area and therefore are contrary to the Policies mentioned above.

Neighbouring Amenity

The proposed alterations will have no detrimental impact on the amenities of neighbouring properties provided the side windows at first floor are fitted with obscure glass as shown on the plans. This can be controlled by condition.

Parking and Highways

The proposed development will have no detrimental impact on parking or highway safety.

Conclusion

The replacement of the original wooden sash windows with UPVC, due to the bulkier and modern appearance, will have a harmful effect on the character and appearance of the Pelham Road/The Avenue Conservation Area and are therefore contrary to Policies CS19 and CS20 of the Gravesham Local Plan Core Strategy 2014, Saved Policy TC3 of the Gravesham Local Plan 1994 and Section 16 of the National Planning Policy Framework 2019 which seek, amongst other things, development which preserves or enhances the character and appearance of Conservation Areas.

Recommendation:

Refuse

See draft Decision

Case Officer: AW	Team Leader: Richard Hart
Signed: 	Signed: <i>R Hart</i>
Dated: 6 May 2021.	Dated: 10 th May 2021