



Erection of a first floor rear extension to provide a one bedroom self-contained flat incorporating the staircase access to the first floor accommodation and including the replacement of the existing main roof tiles

31 Windmill Street, Gravesend DA12 1AS

Resubmission Planning Statement

Mr. Matt Stevens

28 November 2021

BARRONEDWARDS
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1.0 Introduction

1.1 This resubmitted application is being made on behalf of Mr. Matt Stevens following the Inspectorates decision dated 20 November 2021 to dismiss the appeal against refusal 20201058 on the basis that the applicant did not pay the SAMMS payment to protect the Ramsar Site. The Inspector did say that he did not agree with the Council's view about the impact of the proposal on the character of the Conservation Area and it being contrary to Policy CS19 of the Core Strategy.

1.2 We are therefore instructed to resubmit the application for the erection of a first floor rear extension to provide a one bedroom self-contained flat incorporating the staircase access to the first floor accommodation and including the replacement of the existing main roof tiles at 31 Windmill Street Gravesend Kent DA12 1AS. Confirming the Inspectors view about the impact on the Conservation Area and confirmation that the SAMMS payment will be submitted.

1.3 The application (20201058) was refused for the following reasons:

1. The proposed first floor additions are considered to be poorly designed and would have an unacceptable impact on the appearance of the site and the wider street scene. The development would be highly visible within the streetscape and views from Eden Place and the scale, position, detailing and design fails to preserve or enhance the character and appearance of the Upper Windmill Street Conservation Area. The proposals are therefore contrary to Policies CS19 and CS20 of the Gravesham Local Plan Core Strategy September 2014 paragraph 127 and section 16 of the National Planning Policy Framework 2019

2. The applicant has failed to provide any ecological evidence to inform a habitat regulations assessment covering the impact of the development on the SPA/Ramsar site or offered a financial contribution towards mitigation measures to address the impact of the development on the SPA/Ramsar site. The proposal is therefore contrary to Policy CS12 of the Borough Council's adopted Gravesham Local Plan Core Strategy (September 2014) which seeks to ensure that detrimental effects on the integrity of SPA/Ramsar sites are avoided.

Gravesham Local Plan Core Strategy (September 2014), which seeks to ensure that detrimental effects on the integrity of Thames Estuary and Marshes Ramsar

1.4 In appeal decision W/21/3267838 the Inspector S. Warder stated:

12. The proposal would provide one additional housing unit and the Framework seeks to significantly boost the supply of new homes. Policies CS02 and CS05 of the CS also support residential development in town centre sites. The Council accepts that it cannot demonstrate a five-year supply of housing. The appellant's evidence indicates that the 2020 Housing Delivery Test found that, for 2018-2020, of the 1,043 new homes required, 731 were delivered, that is less than 75%. The Council has not disputed these figures. Nevertheless, appeal proposal would make a very modest contribution to the shortfall.

13. Framework paragraph 11d(i) advises that, where the policies for determining an appeal are out of date, planning permission should be granted unless Framework policies that protect areas of particular importance provide a clear reason for refusing the development. Such policies include habitats sites¹ and I have found that the proposal would not accord with development plan or Framework policies on this matter. Consequently, I consider that the presumption in favour of sustainable development does not apply in this case.

14. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. While there is development plan policy support for residential development in locations such as the appeal site, the benefit of the proposal is minor as it would make a very modest contribution to the supply of housing.

15 On this basis we are satisfied that there is no conflict with Policies CS19 & 20 of the Core Strategy as previously suggested by the Council and is in fact supported by Policies CS02 & CS05 in terms of providing new housing. We trust therefore that the Council will accept this resubmission and grant permission subject to payment of the SAMMS fee.

1.5 We are resubmitting our previous Planning Statement to support this resubmission

2.0 Site and Surroundings

Site Description

2.1 The application site is situated on the eastern side of Windmill Street in Gravesend town centre and forms part of a 3-storey terraced block with a public house on the ground floor and a 2-bedroom duplex flat on the floors above which is accessed via an internal staircase from Eden Place from an enclosed area which also serves as an emergency exit for the public house.. There is a single storey extension at the rear of the building providing W.C facilities to the public house. The property has a commercial shop front and grey rendered finish on the first and second floors of the western elevation fronting Windmill Street, however, to the rear it is constructed of yellow stock bricks.

2.2 The property is not a listed building but is situated within the Upper Windmill Street Conservation Area and lies within the town centre boundary as defined by the adopted local plan policies map. It also has an Article 4 Direction to it.

2.3 The proposal sought to erect a first floor extension at the rear of the building to provide further one bed self-contained flat and at the same time incorporating the existing internal staircase enclosure that served the existing flat which the Council regarded as being unauthorised. The new extension was separated from the main frontage building in order to provide an acceptable separation between windows but also to provide an amenity area that both flats could use. The proposal also included the refurbishment of the roof to the main host building

2.4 In this regard the proposed extension was similar in nature to other extensions in the terrace that had been granted permission by the council in the past although it is accepted that precedent plays no part in planning and that every case is considered on its own merits.

Planning History

2.5 Little is known about the early history of the site but is known to have been used as a working man's club before becoming the public house. The relevant planning history for the site is noted in the table below:

Application reference	Development proposal	Decision	Year
19740498	Erection of single story rear extension for toilet facilities.	Permitted	1974
19880898	Application for conservation area consent for the demolition of the chimney stack above the roof.	Permitted	1988
20161249	Erection of rear extension involving the removal of the rear external staircase to allow greater bathroom provision and enclosure of the front forecourt and entrance gates with 1.040m to 1.1m wall and wall mounted railings to provide a beer garden including the formation of access ramp.	Refused	2017
20170524	Erection of a two storey rear infill extension and construction of a first floor level; to provide a one bedroom self-contained flat, with storage in the roof level.	Refused	2017

3.0 Planning Policy Context

Development Plan Policy

3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that, when making a determination under the Planning Acts, the determination shall be made in accordance with the Development Plan unless material considerations indicate otherwise. Article 35 of The Town and Country Planning (Development Management Procedure) (England) Order 2015, requires that, when issuing a decision, councils must also include a statement explaining, whether, and if so how, in dealing with the application, the local planning authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with a planning application. The NPPF sets out the government's planning policies for England and how they are expected to be applied. It emphasises that planning applications that accord with the policies in the Council's Local Plan will be approved without delay, unless material considerations indicate otherwise.

National Planning Policy

3.2 National planning policy is enshrined within the revised National Planning Policy Framework (NPPF) issued in February 2019 and its accompanying revised the Planning Policy Guidance (PPG). The PPG seeks to set out how to implement the strategic vision contained within the NPPF.

3.3 With regards to decision-taking, the revised NPPF advises that local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development and should look for solutions rather than problems. Decision-takers at every level should seek to approve applications for sustainable development where possible.

3.4 Paragraph 7 of the NPPF states that, "the purpose of the planning system is to contribute to the achievement of sustainable development". It goes on at paragraph 8, that there are three dimensions of sustainable development as: economic, social and environmental. Paragraph 10 of the NPPF states that a "presumption in favour of sustainable development" which is at the heart of the Framework to ensure that sustainable development is pursued in a positive way. Paragraph 11 which states that there is a '**presumption in favour of sustainable development**'. Para.12 goes on that the presumption in favour of sustainable development does not change the status of the development plan and states that where a development that is contrary to an up to date development plan that permission should not be granted.

3.5 Paragraph 59 of the NPPF states that it aims to support the government's objective to significantly boost the supply of homes and that land is developed without unnecessary delay. It reinforces the principle that housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 70 emphasises the need to make the use of windfall sites as they provide a reliable source of supply.

3.6 Section 117 of the revised NPPF (February 2019) encourage the effective use of land and Paragraph 118(c & d) encourage the use of sites that have been previously developed (brownfield land) and the development of underutilised land. It says that planning authorities should plan for a mix of housing reflecting local demand.

3.7 Paragraph 124 says that the Government attaches great importance to the creation of high quality buildings and that good design is a key aspect of sustainable development, which creates better places in which to live and work. Quality of design is indivisible from good planning, and should contribute positively to making places better for people. Paragraph 127 states that planning policies and decisions should 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, layout and appropriate and effective landscaping.
- Are sympathetic to local character and history Including surrounding built environment and landscaped setting
- establish a strong sense of place, using streetscapes and buildings to create attractive, welcoming and distinctive places to live, work and visit;
- create places that are safe, which promote health and wellbeing with a high standard of amenity for existing and future users.

3.8 Paragraphs 130 emphasise that developments of poor design should be refused but where design accords with plan policies it should not be used as a valid reason to object to development. Paragraph 131 emphasises that considerable weight should be given to innovative designs which raise the

standards and lead to an improvement of the character and quality of the area and how it functions.

Local Development Plan

Gravesham Local Plan Core Strategy

3.9 The following policies have been taken into consideration in the formulation of the appeal application:

- Policy CS01: Sustainable Development
- Policy CS02: Scale and Distribution of Development
- Policy CS05: Gravesend Town Centre Opportunity Area
- Policy CS14: Housing Type and Size
- Policy CS15: Housing Density
- Policy CS19: Development and Design Principles
- Policy CS20: Heritage and the Historic Environment

Gravesham Local Plan First Review Saved Policies

3.10 The following policies are relevant to the consideration of this application;

- Policy TC3: Development affecting Conservation Areas

Supplementary Planning Documents

3.11 The documents relevant to the consideration of this application are:

- Gravesham Five Year Housing Land Supply Statement (2016 – 2021)
- Housing Standards Policy Statement (1st October 2015)
- Technical Housing Standards - Nationally Described Space Standards
- Upper Windmill Street Conservation Area Appraisal

4.0 Planning Considerations

Principle of Development

4.1 The NPPF sets out the Government's planning policies for England and how these should be applied. Paragraph 2 notes that planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. Paragraph 7 states that the purpose of the planning system is to contribute to the achievement of sustainable development and Paragraph 8 sets out the three objectives of achieving sustainable development being economic, social and environmental.

4.2 In terms of decision-making, Paragraph 11 states that where a development accords with a local plan, applications should be approved without delay. Where a plan is absent, silent or relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or specific policies in the Framework indicate development should be restricted. The NPPF further goes on to state at Paragraph 38 that LPAs should approach decisions on proposed developments in a positive and creative way and decision-makers at every level should seek to approve applications for sustainable development where possible.

4.3 The proposal would involve the creation of an additional residential unit within the Gravesend town centre which is an accessible and sustainable location for such development. Core Strategy Policy CS02 seeks to ensure the Borough's objectively assessed need for at least 6,170 new dwellings is met and prioritises development in the urban area. The Gravesham Five Year Housing Land Supply Statement (2016 – 2021) states a need for 2,166 new dwellings up to the year 2021. The proposed development for a net increase of 1 unit would offer a marginal but modest contribution towards meeting this local need. Additionally, the site is situated within the Gravesend Town Centre Opportunity Area where Core Strategy Policy CS05 supports the provision of new residential development subject to a satisfactory living environment being achieved. Notwithstanding, the previously refused application in June 2017 which largely related to the poor living arrangement, design and impact on amenity rather than the principle of the conversion. The proposed development on this site would therefore be in accordance with Policy CS02 of Gravesham Local Plan Core Strategy (2014) which prioritises development in the urban area as a sustainable location for development. It is also broadly in line with the referenced policies in the NPPF and as such, would be acceptable in principle.

Impact of the Development on the Conservation Area

4.4 In respect of the impact on the character and appearance of the area, the property is not a listed building, but lies within the Upper Windmill Street conservation area. The rear of Windmill Street in this part of the conservation area is generally formed of large single storey extensions or open rear yards to the back of three storey buildings fronting Windmill Street. However, there are several first floor extensions in this part of the Conservation. Area.

4.5 The proposed extension has been designed with a pitched roof and will appear subservient to the host building. Materials to be used will match the existing and neighbouring properties. It will incorporate the existing covered stairwell that serves the existing residential accommodation. This is of poor design and subject of enforcement investigations. It is proposed that this be finished with grey slate tile hanging to the sides and to the rear sloping roof. This will ensure that it complements the new extension. The proposal also includes replacing the existing main roof of the property, which currently has Redland 49 concrete tiles, with grey slate tiles to match the neighbouring properties. The proposal is unlikely to have a detrimental impact on the visual amenity of the Conservation Area. The detail provided clearly shows that the site can accommodate the proposed development without having any detrimental effect on the street scene or the amenity of neighbouring properties. It will be a positive enhancement of the conservation area.

Residential Amenity of Future Occupiers

4.6 The matter of amenity, including residential standards, has been closely considered throughout the evolution of the proposal as the need to support residential amenity underpins policies from national to local level. The Council's Residential Layout Guidelines indicate the required room sizes and amenity spaces for residential flats. However, the Housing Standards Policy Statement also requires consideration to be given to the Nationally Described Space Standards. The layout of the rooms is spacious and the floorspace of the flat conforms to the nationally described space standards. The existing residential flat will remain unaltered by the proposal.

4.7 In terms of amenity space, Policy CS19 of the Core Strategy requires new development to provide appropriate levels of private and public amenity space. However, due to site constraints, no provision for this can be incorporated within the proposed development. Notwithstanding, with the site's proximity to Gravesend town centre and surrounding public open spaces, the lack of amenity space within the development should not be considered unacceptable.

Residential Amenity of Neighbouring Occupiers

4.8 Consideration has been given to the impact of the proposal on adjoining residential properties with due regard to privacy and overshadowing. Policy CS19 of the Core Strategy requires new development to safeguard the amenity including privacy, daylight and sunlight of neighbouring properties.

4.9 Whilst the existing flat has one window at first floor level on the eastern elevation serving the kitchen/living space, this will be blocked as a result of the proposed extension. However, this space will continue to be served by two windows on the western elevation and although there will be a marginal impact on daylight/sunlight and level of outlook experienced by occupiers of this flat at first floor level, we do not consider that this would materially harm the amenity enjoyed by existing occupiers. The windows serving this flat at second floor level remain unaltered and provide satisfactory light to the rooms that they serve.

4.10 There are no immediate adjoining residential properties which would be materially effected by the application proposal. The property to the north (No.30) is in A2 use as accountants office on all three floors and no habitable rooms would be effected. There is an existing first floor outrigger under a tiled pitched roof which is believed to be the only remaining original feature to these properties and the application proposal has been designed to complement this structure. The property to the south is in A3 restaurant use on the ground and first floor whilst the second floor is used for storage purposes. Again the application proposal will not result in any overlooking or loss of amenity. .

Parking

4.11 Saved Policy P3 of the Gravesham Local Plan First Review expects new housing developments to make provision for parking in accordance with the KCC Vehicle Parking Standards. Due to the site's highly sustainable location close to the town centre with various transport links available, it is not considered necessary to provide car parking spaces. In any case, site constraints would not allow for car parking provision.

4.12 Notwithstanding, the site is easily accessible on foot from the Gravesend train station, town centre bus stops and taxi stands being a few minutes walking distance.

Material Considerations.

Ecology and Biodiversity

4.13 The application site is located in the Thames Estuary and Marshes Ramsar Buffer Zone. The Ramsar site is of international biodiversity importance, particularly for birds. Recent evidence suggests that there has been a decline in bird populations in the internationally significant Special Protection Areas (SPA) and Ramsar sites that make up the North Kent Marshes. The Council's requested SAMMS Contribution Agreement will be paid upon confirmation of the Council's reference number.

5.0 Conclusion

5.1 The applicants have taken on board all the Council's and National policies to provide a sustainable solution to the need to provide a workable scheme for the site that provides residential accommodation in the locality. It is our assertion that the site is sustainable in terms of its location within an established urban area and the prospective layout and design is in keeping with the good design principles outlined in the NPPF. It would not be out of character with the area but would result in a substantial improvement in the street scene or contrary to Policy as acknowledged by the Planning Inspectorate.

5.2 The proposed development would both increase and improve the local housing stock making a more efficient use of previously developed land to assist the Council in achieving its housing provision targets. In addition, the principle of the development is strongly supported by the NPPF and the presumption in favour of sustainable development and Council Policies CS02 & 05

5.2 We are satisfied that the proposal would have no detrimental effect on the residential amenities of its neighbours or the amenity of future occupiers. It is a site that fulfils the requirements of the NPPF in supporting a presumption in favour and is not considered to be contrary to Council Policy and therefore it is our view that the appeal should be supported.

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