

Application: 20211094

**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: **Annor Property Investment Ltd
C/O Prime Projects Design And Management Limited
The Engine House
2 Veridion Way
Erith
DA18 4AL**

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:

**51 London Road
Northfleet
Gravesend
Kent
DA11 9JR**

and being **Erection of a single storey rear extension and change of use from a single dwelling (C3) into an 8 person six bedroom House of Multiple Occupation (Sui Generis use).**

Your application dated 6th September 2021 is refused on the following grounds:-

1. The proposals will result in the loss of an existing 4-bedroom family type dwelling and essentially is of a size appropriate for continued single-family accommodation. It relies on the proposed extension to increase the available floorspace to achieve the subdivision into a larger HMO rather than by direct conversion. Whilst it is acknowledged that locally, there are some smaller units of accommodation above local shops/commercial premises and there is a purpose built flatted accommodation opposite the site at Fountain Walk, the application dwelling is located within an area of primarily single-family dwellings. As such the development is contrary to Policy CS14 (Housing Type and Size) of the Gravesham Local Plan Core Strategy 2014, saved policy H5 (Increasing the Housing Stock by the Conversion of Existing Buildings) of the Gravesham Local Plan First Review 1994 and emerging policy RES 5 (Residential Intensification through Sub-Division and Conversion) of the Gravesham Local Plan Regulation 18 Stage 2 Consultation Part 2: Draft Development Management Policies Document October 2020, and that the development would not accord with the character and appearance of the area.
2. The internal layout of this large house in multiple occupation (HMO) is rather cramped as proposed for future occupiers and thus currently an over-intensive use of the premises with an unacceptable level of amenity for the future occupants contrary to Policy CS19 (Development and Design Principles) of the Gravesham Local Plan Core Strategy 2014, the adopted GBC Residential Layout Guidelines, SPG2 and the published Guidance to HMO Amenity Standards (Version 2.2.1 31/07/2006).

3. The intensity of occupation as proposed, and having regard to the intention to provide no off street parking within the site is likely to result in demand from future occupiers of the HMO for on street parking in adjoining residential streets where there are already very high levels of on street parking and which are subject to permit parking restrictions. This will lead to additional congestion to the detriment of highway safety and to the detriment of existing residents. In addition, the application fails to make adequate provision for the secure and weatherproof storage of cycles within the site. As such the development would be detrimental to highway safety and contrary to Gravesham Local Plan Core Strategy Policy CS11 (Transport) saved Policy P3 (Policy for Vehicle Parking Standards) of the Gravesham Local Plan First Review 1994 and supplementary guidance in the adopted KCC vehicle parking standards (SPG4).
4. The applicant has failed to provide any ecological evidence to inform a Habitat Regulations Assessment (HRA) covering the impact of the development on the Special Protection Area (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 (Green Infrastructure) and paragraphs 180 and 181 of the National Planning Policy Framework (2021) which seeks to ensure that detrimental effects on the integrity of SPA/Ramsar sites are avoided.

INFORMATIVES:-

1 DRAWINGS AND DOCUMENTS

For the avoidance of doubt, the decision to refuse this application was taken in relation to the following forms, plans and documents

Application Form;
Covering letter dated 01 September 2021;
Drawing No 2000: Site Location Plan;
Drawing No 2001: Proposed Block Plan;
Drawing No 2002: Existing Floor Plans;
Drawing No 2003: Existing Elevations;
Drawing No 2004 Rev: Proposed Floor Plans;
Drawing No 2005: Proposed Elevations;

2 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.

In this instance, the application is not in accordance with the Development Plan for the area and cannot be supported.

Pre-application advice was given in this case in relation to a six person HMO highlighting the planning issues including the need for a financial contribution towards mitigation measures to address the impact of the development on the SPA/Ramsar site.

Dated: 26 October 2021

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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.