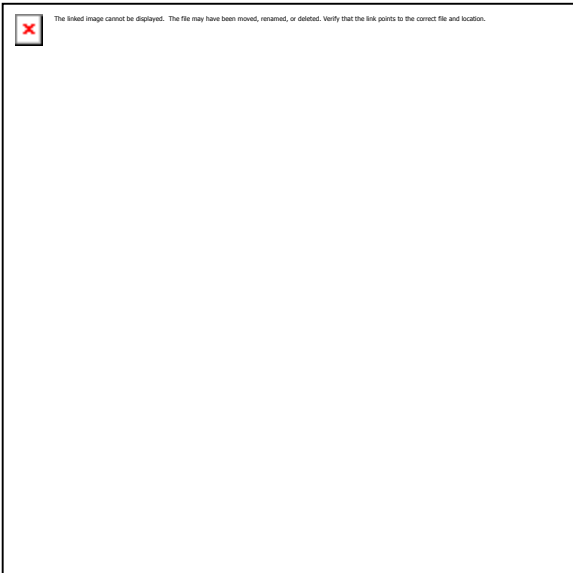




# Delegated Report

## Planning Application

**Planning Application No:** 20221144

**Location:** 124 Wellington Street Gravesend Kent DA12 1JE

**Description:** Conversion of single residential dwelling into 2no. self-contained flats.

**Applicant:** Mr Irfan Erdogan

**Site Visit Date:** 1<sup>st</sup> November 2022

### Submitted Documents/Plans

- Planning Application Form;
- Drawing No. 001 Rev A - Location Plan, Existing Block Plan and Proposed Block Plan;
- Drawing No. 002 Rev A - Existing Floor Plans and Existing Elevations; and
- Drawing No. 003 Rev A - Proposed Floor Plans and Proposed Elevation.

### Relevant Planning History

| Reference | Description                                                                                                                                 | Decision | Decision Date |
|-----------|---------------------------------------------------------------------------------------------------------------------------------------------|----------|---------------|
| 20220588  | Conversion of single residential dwelling into 2 flats and construction of an external staircase and landing.                               | Refused  | 26.07.2022    |
| 20040442  | Erection of first floor rear extension above single storey rear extension, permitted under reference GR/2004/384, to form enlarged bedroom. | Approved | 02.07.2004    |
| 20040384  | Erection of single storey rear extension to form enlarged lounge.                                                                           | Approved | 15.06.2004    |
| 20030969  | Erection of part two storey and part first floor rear extension to form enlarged kitchen/dining room with bedroom and bathroom over.        | Approved | 30.01.2004    |

|          |                                                                                    |          |            |
|----------|------------------------------------------------------------------------------------|----------|------------|
| 20020178 | Re-instatement and refurbishment of front boundary railings, gates, walls & piers. | Approved | 29.05.2002 |
|----------|------------------------------------------------------------------------------------|----------|------------|

## Development Plan

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

- CS01 – Sustainable Development
- CS02 – Scale and Distribution of Development
- CS12 – Green Infrastructure
- CS14 – Housing Type and Size
- CS15 – Housing Density
- CS18 – Climate Change
- CS19 – Design and Development Principle

### Gravesham Local Plan: First Review (1994)

- H5 – Increasing the Housing Stock by the Conversion of Existing Buildings
- P3 – Vehicle Parking Standards

Paragraph 33 of the NPPF (2021) sets out that policies within adopted local plans should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. Such reviews are also a legal requirement as set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012.

The Council undertook such a review in September 2019 and found that the adopted Local Plan Core Strategy is in need of a partial review in terms of Policy CS02, due to the increased need for housing since the Local Plan Core Strategy was adopted and the need to ensure that a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) generally conform with the NPPF (2021), the Council will also seek to replace these.

### National Planning Policy Framework (2021)

- Section 2 – Achieving sustainable development
- Section 5 – Delivering a sufficient supply of homes
- Section 12 – Achieving well-designed places

### Supplementary Planning Guidance

- 2 - Residential layout guidelines including Housing Standards Policy Statement October 2015 Adopted 1996 – amended June 2020;
- Technical Housing Standards – nationally described space standard (2015);
- SPG 4 - KCC Parking Standards (2006); and
- Householder Extensions/Alterations Design Guide (2021);

Given the Gravesham context, the policies referred to in paragraph 11(d)(i) above are those set out in the NPPF at footnote 6 (rather than those in development plans) relating to any of the following;

- Habitats sites (and those sites listed in NPPF para. 176);
- 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 63); 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 (para. 123(c)) in context, the relative contribution the proposal makes towards the alleviation of any shortfall in housing delivery at the time and any other considerations material to the proposed development.

## **Consultations, Publicity and Representations**

### Consultees

#### *External consultees*

##### KCC - Public Right of Way Officer

Public Rights of Way NGX18 lies to the south of the application area and affects the application and I therefore enclose a copy of the Public Rights of Way network map showing the definitive line of the path for your information.

It is important to advise the applicants that a public right of way must not be stopped up, diverted, obstructed or the surface disturbed and there must be no encroachment on the current width, at any time now or in future. This includes any building materials or waste generated during any of the construction phases. Please note that no furniture or fixtures may be erected on or across Public Rights of Way without the express consent of the Highways Authority.

#### *Internal consultees*

Ward Councillors: No comments received

##### GBC - Highways Officer

This is an edge of centre property close to most facilities and good public transport links by both train and bus.

The car parking requirement would be similar for a four bedroom house and two, two bedroom flats, whilst the cycle provision for a house would be more than that required for the two flats.

I have no highway objections. However, in the interests of sustainability/active travel it is suggested that covered secure cycle parking would be desirable for both of the new flats at the rate of one cycle per bedroom.

##### Neighbouring properties

Consultation was by way of the displaying of a site notice and individual letters sent to 8 surrounding properties with an overall expiry date of 25<sup>th</sup> November 2022. No comments have been received.

## **Officer's Analysis**

### Background

As the planning history shows, a previous application for the conversion of single residential dwelling into 2 flats and construction of an external staircase and landing (Ref. 20220588), which was refused for the following reasons;

1. The proposal would fail to protect the mix of housing in the Borough as it would result in the loss of a family sized residential unit, for which there is a need for such sized housing in the Borough. As such, the proposal is contrary to Policy CS14 (Housing Type and Size) of the Gravesham Local Plan Core Strategy (2014) and saved Policy H5 (Increasing the Housing Stock by the Conversion of Existing Buildings) of the Gravesham Local Plan First Review (1994).

2. The rear of property is incongruous and unacceptable, in design terms, by virtue of the creation of the external staircase, landing and obscure glazed covering would harm the character and appearance of the application building and surrounding area, and would fail to comply with the requirements of Policies CS14 and CS19 of the Gravesham Local Plan Core Strategy 2014, and paragraphs 126, and 130 of the National Planning Policy Framework 2021.
3. The overall layout of the site, by virtue of the creation of the external staircase, landing to the rear with obscure glazing, at first floor, harms the living environments/privacy of future occupants of both flats 1 and 2. Flat 1 is also further compromised, by the proposed layout, due the safety implication of accessing the flat solely by adjacent public right of way along the southern flank wall. The external staircase/landing would also harms neighbouring amenity at 125 Wellington Street. The proposal would therefore fail to provide a high standard of amenity for future users of both flats proposed and the neighbouring site, which would conflict with the requirements of Policy CS19 of the Gravesham Local Plan Core Strategy 2014 and paragraph 92(b), 126 and 130 of the National Planning Policy Framework 2021.
4. 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 (Green Infrastructure) of the Gravesham Local Plan Core Strategy 2014 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.

The current application is principally the same with the main differences being the removal of the external staircase and landing to the rear and a decrease in the number of bedrooms from both flats from 3 to 2 which subsequently has resulted in a change of floor layout for both flats.

It will therefore be necessary to assess if the current proposal has overcome the previous reasons for refusal.

The principal issues in the consideration of this application are:

- Principle of development;
- Design, character and appearance;
- Amenity of future occupiers of the development;
- Amenity of existing neighbouring properties;
- Parking and highway safety; and
- Ecology and biodiversity.

#### The Principle of Development

The site consists of a two storey terraced dwelling which is in use as a 5 bedroom dwelling. There is a small front garden, but the site does not benefit from off street parking. The site has been previously extended at the rear with ground/first floor extensions, which indicates from the history, would have been built at different stages.

The proposal is to convert the property into two flats. Flat 1 would be at ground floor level and would have two bedrooms which would be accessed from the rear and a new side gate from the public right of way. Flat 2 at first floor and would also be two bedrooms and would be accessed from the existing front entrance.

The site is in the urban area and Policy CS02 of the Gravesham Local Plan Core Strategy (LPCS) states that the strategy prioritises development in the urban area as a sustainable location for development. Policy CS14 (LPCS) states that the Council will protect the mix of housing in the existing housing stock and

will resist the conversion of family sized residential units to smaller properties. The preamble states that family accommodation is taken to be homes with two or more bedrooms.

The existing property consists of 4 bedrooms at first floor, and a further bedroom, kitchen living room and reception room at ground floor. Being a 4-5 bedroom dwelling it is considered that it constitutes a family sized residential unit. As such, the proposal to convert the dwelling to two flats would result in the loss of a family sized unit which would be contrary to Policy CS14 (LPCS) which seeks to resist such development in order to retain much needed family sized housing in the Borough.

Saved Policy H5 of the Gravesham Local Plan First Review (LPFR) states that buildings that it is proposed to convert shall be in an appropriate area for conversion to flats, maisonettes, bedsits and multiple occupancy; shall be of such a size and arrangement as to be generally unsuitable for single family occupation, shall have regard to the Council's Residential Layout Guidelines and achieve the adopted Vehicle Parking Standards wherever feasible.

The property is in an area where there are some other examples of conversion of properties to flats. Planning permission has been granted for the following properties in Wellington Street, for instance nos. 89, 104, 149 and 122 Wellington Street. Other conversions have been noted along the street, however, these mostly involved a part conversion of basements. The permissions the conversions of no. 104 and 149 were from applications submitted on 2004 and 2003 respectively and, therefore, before the adoption of the 2014 Local Plan Core Strategy.

However, 89 Wellington Street (subject of 20150145), was approved in 2015 for the 'continued use of the property as two self-contained flats'. The delegated report for this application maintained the following 'The property previously had six habitable rooms. It is considered that the property is not unsuitable for single family occupation. However, given that a number of other properties in the road of similar size have been converted to two flats it is considered that an objection could not be upheld on this basis.' Although, the LPA does not consider there has been sufficient evidence, in this case, to suggest the area is not appropriate for family dwellings. As no. 124 has been previously extended, and it works out the property would have around 8 habitable rooms and could be potentially suitable for a house conversion.

Therefore, as stated the dwelling is considered to be of a size and arrangement to be suitable for family sized accommodation. In reference to the points raised in the preamble to saved Policy H5 (LPFR) although the property is not more than two storeys but has more than six habitable rooms. Furthermore, the preamble (para 3.19) of the saved Policy H5 (LPFR), also asserts that the adaptation of larger houses will be targeted at those areas closet to the town centre which are unattractive to families and where environmental improvements can be achieved as part of the development package. The application site is approximately 0.2km from the town centre and slightly outside of the East of Town Centre and Riverside area (sub-area 3.4), which is subject of Policy CS05 LPCS.

Notwithstanding the above, as the application situated near the town centre, of a substantial size it could be argued that the site lends itself to be converted into flats. Although, the LPA consider that the proposal would fail to protect the mix of housing in the Borough as it would result in the loss of a family sized residential unit, for which there is a need for such sized housing in the Borough, the property due to the two storey rear extension is larger than the majority of the surrounding properties. The property also does not benefit from off road parking which would be less attractive to a large family that are more likely to rely on private cars for transportation.

Within Policy H5, there are no special or overriding circumstances submitted to permit a house conversion into a flatted accommodation in what, the LPA would consider, is a mostly residential area. Furthermore, there is no evidence to suggest that the building is unsuitable for single family occupation.

However, whilst the proposal could be considered contrary to Policy CS14 (LPCS) and saved Policy H5 (LPFR), the presence of other similar conversions within the area and the property being larger than surrounding dwellings, together with lack of private parking, there may be insufficient grounds to refuse for this reason alone. Therefore, subject to the proposal according with other material matters such as

amenities and parking, the principle of converting the property would be acceptable.

Taking all of the above into consideration, the first reason for refusal relating to the principle of the conversion could be addressed if the remaining material considerations are acceptable.

The matters of the assessment of the proposal in relation to the Council's Residential Layout Guidelines and parking will be dealt with separately in this report below.

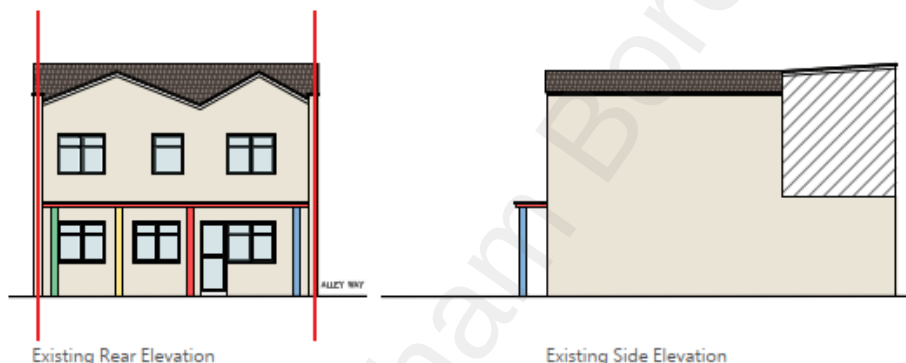
#### Design, character and appearance

Paragraph 126 of the NPPF 2021 states that good design is a key aspect of sustainable development, creates better places and helps make development acceptable. Paragraph 130 of the NPPF 2021 seeks to ensure that development will add to the quality of an area, be visually attractive, and sympathetic to local character and history. Policy CS19 of the Core Strategy 2014 reflects these aims and requires that new development is well designed, and respects the character and appearance of the surrounding area.

In a similar vein, Policy CS14 of the Core Strategy 2014 sets out that new housing development is expected to provide a range of dwelling types and sizes, taking into account the existing character of the area and evidence of local need to create sustainable and balanced communities.

The only visual alterations included in the proposal would be to the removal of the rear canopy and insertion of pedestrian gate from the public right of way.

#### *Existing Plans*



#### *Proposed Plans*



In terms of the second reason for refusal, this related to the erection of staircase and landing and obscure glazing. The current proposal has removed this element and would only include the removal of the existing rear canopy. As such it is considered that the second reason for refusal has been overcome.

On this basis, the proposed development would respect the character and appearance of the application building and surrounding area and would accord with Policies CS14 and CS19 of the Gravesham Local Plan Core Strategy (2014), and paragraphs 126 and 130 of the National Planning Policy Framework (2021).

### Amenity of Future Occupiers

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 of the Core Strategy 2014, which 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.

The application seeks to convert a 5-bed dwelling into 2 no. 2 bed flats. Whilst the furniture depiction within the floor layouts indicate one single and one double room for flat 1 and two single rooms for flat 2, the size of all the bedrooms are above the minimum floor area for a double room and will therefore be assessed as such.

For a 1 storey flat, of 2 beds, at 4 occupancy the Nationally Described Space Standards (NDSS) requires a gross internal floor area of 70sq.m. Flat 1 would have a gross internal floor area of 75.2sq.m and Flat 2 would have an area of 80.66 sq.m metres.

In terms of amenity space, the Gravesham Residential Guidelines states that 'for communal flats, a communal garden area equivalent to a minimum of 10 sq.m shall be provided for amenity space'. The communal garden area provided in the current proposal is approximately 87 sq.m which would accord with this standard. The previous application raised concerns with the quality of the amenity space and the impact to the ground floor flat, stating that "The details submitted with the current application do not make explicit how the amenity space might be allocated, or used, and as such the ground floor flat would experience overlooking from the users of the first floor flat as there would be a bed and kitchen area which is faces the rear garden and would result in a severe loss of privacy to the occupants of the ground floor." The current proposal sees a change in floor layout with the rear windows of Flat 1 serving an open plan kitchen/living/diner, which would still be a habitable area and there would still be concern over loss of privacy. However, due to the size of the rear garden, it would be possible to subdivide the space to provide two separate areas which could include privacy screening to protect the privacy of the occupants of Flat 1. This could be conditioned on any forthcoming permission and as such it would be unreasonable to refuse the application on this basis alone.

In terms of access to the rear garden and Flat 1, the proposed block plan shows a gate located to the south of the site, from the existing public right of way. In terms of creating a new access, KCC would need to be contacted to ascertain if any form of permission is needed to create this access. However, it is noted that there is an existing access from the public right of way, further to the rear of the garden. It would therefore be possible to utilise this existing arrangement.



The previous delegated report raised concern over the use of the entrance to Flat 1 from this existing public right of way, specifically safety and the use of the entrance in dark evening/early mornings. However it was noted that the public right of way has the benefit of being lit by a streetlamp that is positioned directly

adjacent to the boundary wall of the application site, together with being overlooked by the first floor rear windows of the application site and surrounding properties, therefore creating natural surveillance.

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).

#### Neighbouring Amenity

The proposal would not result in any change to the size or location of the existing windows and doors and the proposed flats would benefit from the same level of overlooking that the current property has.

The previous application was refused over the neighbour impact due to the proposed stairwell and landing, however this has been removed from the current proposal and therefore this reason for refusal has been overcome.

No comments have been received from any neighbouring properties.

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.

#### Parking and highway safety

The application property is located on the edge of town and therefore no parking provision is required.

The existing property is a 5-bedroom dwelling which due to the size of the rooms, has the potential for 10 occupants. The proposal would see a decrease in 1 no. bedroom and an approximate occupancy of 8 people.

The GBC Highway Development Management Officer has commented that, no car parking is required due to the edge of town location with good public transport links by both train and bus and the car parking requirement would be similar for a four bedroom house and two, two bedroom flats. However ideally there should be secure and weatherproof bicycle parking for one bicycle per flat to conform to SPG4.

Therefore, subject to imposition of a condition for the provision of secure cycle storage, the development would accord with Policy CS11 of the Gravesham Local Plan Core Strategy (2014).

#### Ecology and Biodiversity

The application site falls within 6km of the Thames Estuary and Marshes Special Protection Area (SPA) classified in accordance with the European Birds Directive which requires Member States to classify sites that are important for bird species listed on Annex 1 of the European Directive, which are rare and/or vulnerable in a European context, and also sites that form a critically important network for birds on migration. It is also listed as a Wetland of International Importance under the Ramsar Convention (Ramsar Site). Studies have shown marked declines in key bird species, particularly in areas that are busiest with recreational activity. Research conducted in 2011 found that additional dwellings were likely to result in additional recreational activity, causing disturbance to protected bird species that over-winter or breed on the SPA and Ramsar Site. The studies found that 75% of recreational visitors to the North Kent coast originate from within 6 km of the SPA boundary and Ramsar Site. The impacts of recreational disturbance can be such that they affect the status and distribution of key bird species and therefore act against the stated conservation objectives of the European Sites.

The Borough Council has mitigated out the impacts of this on each and every planning application for a

new residential development of one or more units within the 6km zone since September 2015 by accepting a Strategic Access Mitigation and Monitoring Strategy (SAMMS) (tariff) payment (currently £275.88 per dwelling). This approach is approved by Natural England for all new residential developments.

For every planning application for a new dwelling (including new flats) which does not require any other contributions to be secured through a s106 legal agreement or unilateral undertaking the tariff has been secured through a contribution agreement.

The tariff has been accepted effectively in lieu of an Appropriate Assessment (AA) under the Habitat Regulations and thus avoiding the need to progress into a full AA.

However a more recent Court of Justice European Union (CJEU) ruling means that this approach is now no longer valid and although the mitigation measures (in the form of a tariff payment) will still need to be made the first stage will be a screening assessment as to whether the development either alone or in combination, is likely to have significant effects on a designated site without mitigation. The CJEU sees a distinction between “the plan or project” itself and “measures intended to avoid or reduce the harmful effects of a plan or project on a European site”. This means that mitigation measures, which are intended to avoid or reduce effects, should be assessed within the framework of an AA and cannot be taken into account at the screening stage.

In this case a contribution agreement has been provided by the applicants (the required tariff would be £275.88 for the net addition of 1 unit. The Local Planning Authority is therefore satisfied that the proposal has put in place adequate measures to mitigate potential significant adverse effects on the Thames Estuary and Marshes SPA/Ramsar site. The proposal is therefore in accordance with Paragraphs 180 and 181 of the National Planning Policy Framework (2021) and Policy CS12 of the Gravesham Local Plan Core Strategy (2014).

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## Conclusion, Balancing Exercise & Recommendation

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 of the Gravesham Local Plan Core Strategy (2014) must be regarded to be out of date, as required by the Paragraph 11(d) of the National Planning Policy Framework (2021).

The proposed development for a net increase of 1no. dwelling (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.

In this case, it is considered that the proposal would accord to local and national planning policy.

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

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|----------------------|--------------------------------|---------------------|--------------------------------------|
| <b>Case Officer:</b> | Mrs Amanda Grout               | <b>Team Leader:</b> | <b>Richard Hart</b>                  |
| <b>Signed:</b>       | <i>A Grout</i>                 | <b>Signed:</b>      | <i>R Hart</i>                        |
| <b>Dated:</b>        | 20 <sup>th</sup> December 2022 | <b>Dated:</b>       | <b>20<sup>th</sup> December 2022</b> |