

Delegated Report

Full Planning Application

Planning Application No: 20250505

Location: Darnley Arms, 9 Trafalgar Road, Gravesend, Kent DA11 0QA

Description: Erection of a second floor and change of use of first floor and new second floor to a 6 bed HMO

Applicant: Mr R Cheema

Site Visit Date: 22/09/2025

Submitted Documents/Plans

Application Forms
Site Location Plan
Planning Statement
Drawing no. 202 Existing and Proposed Block Plans
Drawing no. 203 Existing Floor Plans and Roof Plan
Drawing no. 204 Existing Elevations
Drawing no. 205 Proposed Floor and Roof Plan
Drawing no. 206 Proposed Elevations

Relevant Planning History

Reference	Description	Decision	Decision Date
20241030	Conversion and change of use of public house with accommodation over to 12 x 1 bed HMO including erection of new mansard roof and rear extension to create new entrance and stairwell	Refused	07.02.2025
20240196	Application for a non- material amendment to 20230595 to allow staircase from ground floor to basement reinstated and new door inserted in the side elevation (to Clifton	Permitted	12.04.2024

	Grove)		
20231056	Approval of conditions 3, 4 and 5 of 20230595 relating to privacy screening, refuse and recycling and cycle storage facilities	Approved	23.11.2023
20230595	Conversion and change of use of public house with accommodation over to provide two residential units comprising 2 x two bed flats	Permitted	31.07.2023
19850253	Single story rear extension to form toilet, accommodation lobby and enlarged kitchen	Permitted	29.05.1985

Development Plan

Gravesham Local Plan Core Strategy (2014)

- CS01 – Sustainable Development
- CS02 – Scale and Distribution of Development
- CS10 – Physical and Social Infrastructure
- CS11 - Transport
- CS12 – Green Infrastructure
- CS14 – Housing Type and Size
- CS15 – Housing Density
- CS18 – Climate Change
- CS19 – Development and Design Principles

Gravesham Local Plan: First Review (1994)

- H5 – Increasing the Housing Stock by the Conversion of Existing Buildings
- P3 – Vehicle Parking Standards
- T1 – Impact of Development on the Highway Network

Paragraph 34 of the NPPF (2024) 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 (2024), the Council will also seek to replace these.

National Planning Policy Framework (2024)

- Section 2 – Achieving Sustainable Development
- Section 5 – Delivering a Sufficient Supply of Homes
- Section 8 – Promoting Healthy and Safe Communities
- Section 9 – Promoting Sustainable Transport
- Section 12 – Achieving Well- Designed Places
- Section 15 – Conserving and Enhancing the Natural Environment

Supplementary Planning Guidance

- SPG 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)
- Gravesham Householder Extensions/Alterations Design Guide (2021)
- Design for Gravesham – Design Code (2024)

Other

- GBC Guidance for HMO Amenity Standards (2023)

Consultations, Publicity and Representations

Consultees

Ward Councillors

None received

Designing Out Crime Team

Received on 28.05.25

Applicants/ agents should consult us as Designing Out Crime Officers to address CPTED and incorporate Secured By Design as appropriate. We use details of the site, relevant crime levels/ type and intelligence information to help design out the opportunity for crime, fear of crime, anti- social behaviour, nuisance and conflict.

There is a carbon cost for crime and new developments give an opportunity to address it. Using CPTED along with attaining an SBD award using SBD guidance, policies and academic research would be evidence of the applicants' efforts to design out the opportunity for crime.

We recommend SBD guidance is utilised to address designing out crime to show a clear audit trail for Designing Out Crime, Crime Prevention and Community Safety and to meet out statutory duties under Section 17 of the Crime and Disorder Act 1998. The points below identify my recommendations for the layout and design of this scheme;

1. Perimeter, boundary and divisional treatments must be a minimum of 1.8m high. Any alleyways must have secure side gates, which are lockable from both sides, located flush to the front building line.
2. We advise against the use of parking courts as they can create an opportunity for crime. Where unavoidable, the areas must be covered by natural surveillance from an "active" window eg, lounge or kitchen and sufficient lighting – the same recommendations apply to on plot parking bays. In addition, we request appropriate signage for visitor bays to avoid conflict and misuse.
3. New trees should help protect and enhance security without reducing the opportunity for surveillance or the effectiveness of lighting. Tall slender trees with a crown of above 2m rather than low- crowned species are more suitable than "round shaped" trees with a low crown. New trees should not be planted within parking areas or too close to street lighting. Any hedges should be no higher than one metre, so that they do not obscure vulnerable areas.
4. Please note, whilst we are not qualified lighting engineers, any lighting plan should be approved by a professional lighting engineer, particularly where a lighting condition is imposed, to help avoid conflict and light pollution. Bollard lighting should be avoided, SBD Residential (Homes) Guide 2025 states; "19.3 SBD does not advocate the use of bollard lighting to achieve lighting uniformity. Bollard lighting is purely for wayfinding and can be easily obscured or damaged. It should be avoided as it can increase the fear of crime because it does not project sufficient light at the right height to recognise facial features". Lighting of all roads including side roads, cul- de- sacs and car parking areas should be to BS5489:- 1: 2020 in accordance with SBD and the British Parking Association (BPA) Park Mark Safer Parking Scheme specifications and standards.
5. If new external doorsets are proposed, including folding, sliding or patio doors, we recommend these to meet PAS 24: 2022 UKAS certified standard STS 2021 or LPS 2081 Security Rating B+. Please note, PAS 24: 2012 tested for ADQ (Building Regs) has been superseded and is not suitable for this development.
6. If new windows are proposed on the ground floor where a window has the potential to be vulnerable eg. from flat roofs or balconies, we recommend these to meet PAS 24: 2022 UKAS certified standard, STS2004 Issue 6: 2016, LPS 1175 Issue 8: 2018 Security Rating A. Glazing to be laminated. Toughened glass alone is not suitable for security purposes.
7. Bedroom windows on the ground floor require a defensive treatment to deflect loitering, especially secondary bedroom windows often used by children.

8. We recommend "A Guide for Selecting Flat Entrance Doorsets 2019" for buildings featuring multiple units, any covered areas must deflect loitering that can stop residents and their visitors from using it without fearing crime. Entrance doors must be lit and designed to provide no hiding place.
9. For the main communal doors, audio/ visual door entry systems are required. We strongly advise against trade buttons and time- release mechanisms, as they permit unlawful access and have previously resulted in issues with crime and ASB.
10. Cycle and bin stores must be well- lit and lockable, with controlled access for the residents within the flats.
11. Mail delivery to meet SBD TS009 are strongly recommended for buildings with multiple occupants along with a freestanding post box of SBD/ Sold Secure approved Gold standard. If mail is to be delivered within the lobby, there must be an access controlled door to prevent access to all areas.
12. CCTV is advised for all communal entry points and to cover the mail delivery area.

If approved, site security is required for the construction phase. There is a duty for the principal contractor "to take reasonable steps to prevent access by unauthorised persons to the construction site" under the Construction (Design and Management) Regulations 2007. The site security should incorporate plant, machinery, supplies, tools and other vehicles and be site specific to geography and site requirements.

Neighbouring properties

38 no. surrounding properties were consulted and the application was advertised by means of a site notice. Comments from two members of the public have been received, objecting on the following grounds:

- The extension would be out of character
- Noise disruption would arise
- The extension would block light into a neighbouring courtyard
- Adverse impact upon neighbour amenity would arise
- The road already has issues with waste removal: this development would lead to an increase in the waste sitting around and possibly increase the number of rats, mice and pigeons in the area
- HMOs are generally an eyesore
- Anti- social behaviour can arise from such uses
- Issues with drug paraphernalia may arise which would be a concern as there is a primary school at the end of the road.
- Parking issues would arise
- A house or two flats on the site would be much better

Officer's Analysis

Site Description

The application site comprises a two storey Victorian building comprising a public house at ground floor level and residential accommodation at first floor level. The public house closed in 2021 as it was no longer economically viable. The site is located in a prominent location at the junction of Trafalgar Road and Clifton Grove.

The building has a splayed corner where the main entrance door to the pub is located and has a bar area, kitchen, ladies and gents toilets at ground floor level and three bedrooms, a bathroom and a store at first floor level. There is a yard to the rear of the building behind a boundary wall fronting Clifton Grove which has a garage door and two pedestrian doors in it. The building has uPVC casement windows and is faced with white painted render.

To the west of the site is a pair of two storey dwellings, 1 and 2 Salam Villas. To the east is a small grassed area with a path across it and beyond this are two storey terraced dwellings. On the opposite side of Trafalgar Road is the Bat and Ball Cricket Ground while to the north of the site, there are two storey blocks of flats along Clifton Grove. The application building is taller than the surrounding buildings.



The Darnley Arms is the building on the left

The proposal is for the erection of a second floor and the change of use of the first floor and the new second floor to a 6 bed house of multiple occupation (HMO). At ground floor level, the works would involve the separation of what is the kitchen of the public house from the external entrance door serving it; at first floor level, the existing bedroom, bathroom and store accommodation would be altered to a communal kitchen/ dining area and two HMO rooms, served by a hallway and corridor from the stairs; at the new second floor level, there would be four HMO rooms served by a hallway and corridor. All the HMO rooms would be en- suite.

The principal considerations in the assessment of this application are:

- Principle of the Development
- Design, Character and Appearance
- Amenity of Future Occupiers
- Neighbouring Amenity
- Parking and Highway Safety
- Ecology and Biodiversity
- Other

Principle of the Development

Policy CS02 of the Local Plan Core Strategy prioritises development in the urban area as a sustainable location for development. It 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 NPPF is explicit that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses. In this case, the proposal would meet these requirements as the site is located in the urban area, close to the town centre and would involve the re- use of an existing building.

Saved policy H5 of the Local Plan First Review states the conversion of existing properties to provide flats, maisonettes, bedsitters, hostels, homes and any other form of multiple occupancy will be supported, provided that, amongst other things, the property is in an area suitable for conversion. In Trafalgar Road, there is a mixture of single family dwellings and flats. Under reference 20350595, permission was granted for the conversion of the building from a pub with accommodation over, to two flats. The building is therefore considered to be in an appropriate area for an HMO as it is in a predominantly residential area where there is a mixture of houses and flats.

Paragraph 98 of the NPPF (2024) requires planning policies and decisions to plan positively for the provision of community facilities and to guard against the loss of valued services and, particularly where

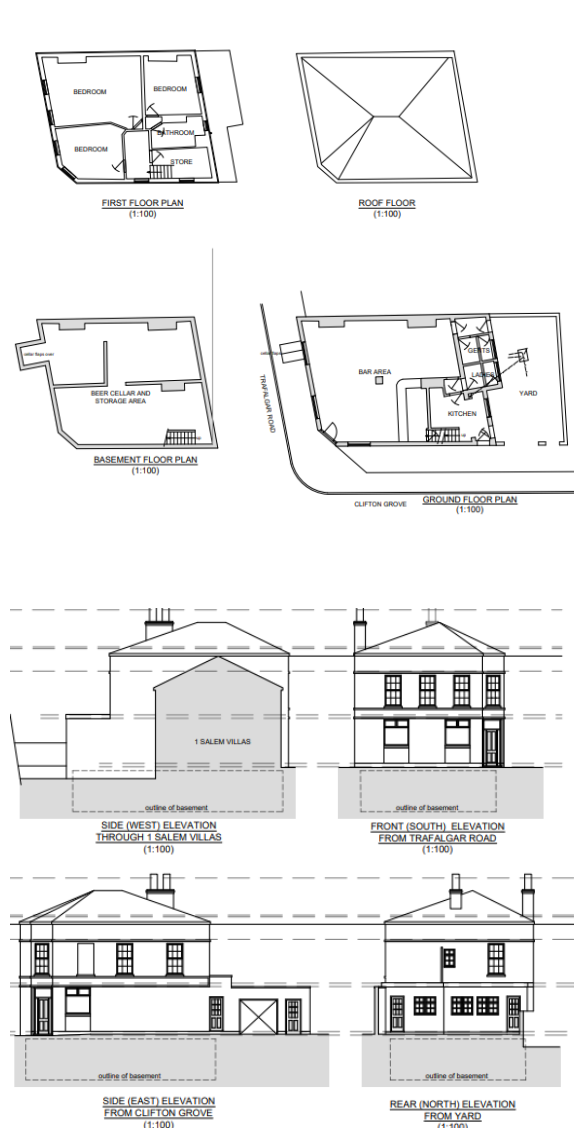
this would reduce the community's ability to meet its day- to- day needs. At a local level, Policy CS10 of the Local Plan Core Strategy (2014) states support will be given to proposals and activities that protect, retain or enhance existing social infrastructure, or lead to the provision of additional infrastructure which improves community well- being. The policy also states where there is the threat of the loss of existing infrastructure, consideration will be given to the viability and whether sufficient alternative provision is available. The proposal at the Darnley Arms intends to retain the use of the ground floor of the building as a public house. Therefore, the proposal accords with Policy CS10 of the Local Plan Core Strategy (2014) and paragraph 98 of the NPPF (2024).

The provision of HMO accommodation in the building is considered to be acceptable as it would be compatible with the surrounding area which is predominantly residential. The proposal would result in the net addition of five residential units which would make a small contribution to the Borough's housing supply. The proposed development is therefore considered to accord with Policy CS02 of the Local Plan Core Strategy and Policy H5 of the Local Plan First Review.

Design, Character and Appearance

The proposed development would involve a quite substantial addition to the building – the addition of a third floor to this two storey building. The ridge height would be raised by 3m.

Existing



Proposed



The existing and proposed plans and elevations demonstrate the significant impact the proposed

development would have on the character and appearance of the building.

The application building is a Victorian public house on the northern side of Trafalgar Road, constructed in 1851, with a basement and rendered walls and a tiled roof. There are a number of windows which, at first floor level, were originally sliding sashes but are now casements; at ground floor level, there are casements which were originally fixed panes of glass.

The proposed development would introduce an additional storey to the building, raising its ridge height by 3m. While the proposal would maintain the traditional roof form of the building, it would have a significant impact upon the character and appearance of the building through its significantly increased bulk. The proposed materials of construction would be painted render finish and white uPVC windows to match the existing, and blue/ black Marley Eternit roof tiles in place of the existing concrete roof tiles. While these would have a suitable impact upon the appearance due to their matching and smartening nature, they would not be able to conceal the fact that the proposed development would represent a significant increase in the height, bulk and massing of the building, dominating it. Considering the building's prominent location, and the fact that it is immediately adjacent to a building of a lower height (nos, 1 and 2 Salam Villas) and it is visible in views of other buildings of a lower height and lesser bulk and massing (the surrounding terraces and the two storey blocks of flats), the proposed increase in the height, bulk and massing of the building would be exacerbated. The resulting building would be an overly dominant element of the street scene and would fail to relate to the surrounding buildings in a suitable manner. The proposed extension and the resulting building would fail to respect the bulk and massing of the surrounding buildings, would be at significant variance to them and would have an adverse impact upon the street scene. The proposed development is therefore contrary to Policy CS19 of the Gravesham Local Plan Core Strategy (2014), the design guidance in the Council's Design for Gravesham Design Code (2024) and the National Planning Policy Framework (2024).

Amenity of Future Occupiers

The NPPF (2024) states that planning decisions should aim to secure a high standard of amenity for all existing and future users of a site. The impact on amenity is also considered with regard to the criteria in Policy CS19 which states that new development should be located, designed and constructed to safeguard the amenity, privacy, sunlight and daylight of its occupants and those of the neighbouring properties and land. The impact upon neighbours will be assessed in the next section of this report.

The proposed development would provide HMO rooms of the following sizes (they would all be en- suite, though the sizes below exclude the en- suites);

HMO Room	Size (sqm)
1	14.11
2	10.25
3	10.25
4	14.11
5	13.66
6	12.27

The HMO would provide a communal kitchen/ dining area of 26.3 sqm.

The above bedroom sizes exceed the minimum size standards for both a one person and a two person HMO unit contained in the Council's Guidance for HMO Amenity Standards (2023). It is considered that, given the size of the windows and the orientation of the building, each of the habitable rooms would be suitably well- lit. The en- suite bathrooms without windows may be mechanically ventilated. Each of the bathrooms would have a toilet, sink and shower, thereby providing the required washing/ sanitary facilities.

The proposed kitchen/ dining area of 26.3 sqm accords with the Council's HMO SPD guidance of 9 sqm for the kitchen and 2 sqm per person for the dining room – 21 sqm in total.

It is therefore considered that the proposal would provide for a suitable quality of accommodation for its

potential occupiers.

There are no minimum garden size requirements for HMOs. There is an existing yard at the property, though this serves the ground floor – the public house. However, there are a number of parks and open spaces in reasonably close proximity to the site (including Windmill Gardens around 350m from the application site). This is of a reasonable size and it is therefore considered that the provision of the HMO without dedicated amenity space would have not have an adverse impact upon the amenities and wellbeing of its potential occupiers.

While it is noted that noise from the public house may be an issue for the first floor HMO rooms and the kitchen/ dining room, it is considered that modern insulation measures would be sufficient to render the noise acceptable, to not harm the amenities of the future HMO occupiers.

Neighbouring Amenity

It is important that any new development safeguards the amenity of the neighbouring occupiers, in accordance with the guidance contained in the Council's Householder Extensions/ Alterations Design Guide (2021), Policy CS19 of the Gravesham Local Plan Core Strategy (2014) and the amenity guidance in the NPPF (2024).

The neighbouring properties that would be most affected by the proposed development are those at 1 Salam Villas (immediately to the west of the site) and 19/ 21 Clifton Grove (to the north of the site). Given that the projection of the Darnley Arms beyond the main rear elevation of 1 Salam Villas is not significant (around 2.5m) and this property is to the west of the Darnley Arms, it is not considered the proposed additional floor of accommodation would have a significant impact upon the levels of light or the outlook of the occupiers of this dwelling. There would be no windows in the flank elevation of the additional floor of accommodation overlooking 1 Salam Villas. The second floor windows in the rear elevation (serving bedrooms) would not, it is considered, permit a materially greater degree of overlooking of 1 Salam Villas than the existing first floor windows (serving a bedroom and a bathroom). While the new use at first floor level (kitchen/ dining room) would potentially allow for a greater degree of overlooking than from bedrooms (due to the potentially greater intensity of use during daylight hours), given the angle and relationship between the application property and the dwelling at 1 Salam Villas, it is not considered that this would result in harm to amenity either.

With regard to 19/ 21 Clifton Grove, there are two windows in the rear elevation of the application property looking towards 19/ 21 Clifton Grove, serving a bedroom and a bathroom. Case Officer observation revealed these to be clear glazed. The back- to- back distance between the Darnley Arms and 19/ 21 Clifton Grove is a little over 11m. While the Council's Design for Gravesham SPD requires a back- to- back distance of 26m (over a private garden area), the Householder Extensions/ Alterations SPD does not stipulate such a requirement. However, it does have a requirement that in order to protect against overshadowing, all applications for residential development will be expected to comply with the "25 degree rule", whereby an extension should not cut a line drawn at 25 degree from the centre of the lowest window in the rear elevation of the opposite dwelling. The building at 19/ 21 Clifton Grove has windows at ground floor level in its rear elevation. Given that these properties and the Darnley Arms are little more than 11m apart, the extended building at the Darnley Arms would bisect a line drawn at 25 degrees from the centre of the lowest window in the rear elevation of those properties. The proposed development would therefore have an adverse impact upon the levels of light reaching the flats at 19/ 21 Clifton Grove, especially as the application building is to the south of the flats. It is considered that the proposal would also harm the outlook for these properties through being overbearing and resulting in visual intrusion. The proposed development is therefore contrary to Policy CS19 of the Gravesham Local Plan Core Strategy (2014), the advice in the Council's Householder Extensions/ Alterations Design Guide (2021) and the National Planning Policy Framework (2024).

It is not known that the potential occupiers of the HMO would congregate outside the building, thereby potentially causing a noise nuisance for the existing residents. There is no reason to suggest that this would be the case. It is also not known that anti- social behaviour would arise from the development or that drug paraphernalia would become an issue in the vicinity of the site.

Parking and Highways

The application site has no off street parking and that would remain the case with the proposed development.

Kent County Council's Parking Standards are maximums and for the proposed development, the maximum would be one space per unit. While the area is (from Case Officer observation) subject to parking stress, it is almost entirely covered by a Residents Parking Scheme. The provision of additional permits may therefore be controlled and in the event of permission being granted for the development, a condition may be imposed advising the residents that they would not be allowed to apply for a permit.

Harm to highway safety would therefore not arise from the proposal.

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 £337.49 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.

This proposal would result in the net addition of five residential units and the applicant has not paid the required tariff (£1,687.45). The Local Planning Authority cannot therefore be 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. Therefore, the proposal is contrary to Policy CS12 of the Local Plan Core Strategy and paragraphs 193 and 194 of the NPPF (2024).

Other Issues

There would be sufficient space in the rear yard of the property for the siting of a sufficient number of refuse and recycling bins that refuse left on the street would not become an issue. It is therefore not considered that the attraction of rats, mice and pigeons would become an issue associated with the development.

Conclusion

The proposed extension would represent a significant increase in the height, bulk and massing of the building, dominating it. Considering the building's prominent location, the proposed increase in the height, bulk and massing of the building would be an overly dominant element of the street scene and would fail to relate to the surrounding buildings in a suitable manner. The proposal would be at significant variance to the character and appearance of the street scene and would have an adverse impact upon the wider area. By virtue of its proximity to the flats to the rear of the site at 19/21 Clifton Grove, the proposed development would have an overshadowing impact upon and would harm the outlook from, these properties.

The lack of a SAMMS payment is such that the Council does not have a mechanism in order to mitigate the impact of the increase population of Gravesend upon the Thames Estuary and Marshes SPA/ Ramsar site.

The proposed development is therefore contrary to Policies CS12 and CS19 of the Gravesham Local Plan Core Strategy (2014), the design guidance in the Council's Design for Gravesham Design Code SPD (2024) and the Householder Extensions/ Alterations Design Code SPD (2021) and the National Planning Policy Framework (2024).

The proposed development is considered acceptable in all other regards, however.

Recommendation

The recommendation is refuse the application

(For detailed reasons for approval and informatives, see draft Decision

Case Officer:	Mr Tom Gabriel	Team Leader:	Richard Hart
Signed:	TM Gabriel	Signed:	<i>R Hart</i>
Dated:	25 th September 2025	Dated:	29th September 2025