



Delegated Report

Planning Application

Planning Application No: 20241094

Location: Land Adjacent To 79 New House Lane Northfleet Gravesend

Description: Erection of a 4 bedroom self build detached house.

Applicant: Mr S Singh

Site Visit Date: 23.01.2025

Submitted Documents/Plans

- Application form;
- Drawing no. RC/0606/100 – Site Location Plan Existing;
- Drawing no. RC/0606/101 – Site Location Plan Proposed;
- Drawing no. RC/0606/102 – Block Plan Existing;
- Drawing no. RC/0606/103 – Block Plan Proposed;
- Drawing no. RC/0606/105 – (Entitled Proposed Elevations but actually shows Proposed Floor Plans);
- Drawing no. RC/0606/105 – Proposed Elevations;
- Custom and Self-build Delivery Statement Template;
- Design & Access Statement; and
- Redland Regent Roof Tile Technical Data.

Relevant Planning History

Reference	Description	Decision	Decision Date
20150629	Erection of a first floor rear extension.	Permitted	25.08.2015
20150152	Erection of a first floor side extension over the garage.	Refused	16.04.2015
20040059	Erection of part two storey and part single storey side extension and single storey rear extension to form replacement garage, kitchen, utility room, enlarged dining/lounge at ground floor level with two bedrooms and bathroom at first floor level.	Permitted	16.03.2004
20030508	Erection of two storey side and single storey front and rear extensions to form a double garage, laundry room, study, enlarged lounge, enlarged kitchen, w.c. and open canopy at ground floor level with two bedrooms and two en-suite bathroom/w.c's at first floor level.	Refused	06.08.2003
20030075	Erection of two storey side extension and single storey front and rear extensions to form double garage, laundry room, study, w.c., enlarged kitchen, open porch canopy and enlarged lounge on ground floor level with two bedrooms and two en-suite bathrooms at first floor level.	Refused	28.03.2003

19480955	Construction of Council Estate, Roads, Sewers and erection of dwelling houses and other amenities.	Withdrawn	31.08.1948
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Development Plan

Gravesham Local Plan Core Strategy (2014)

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

Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards
- T1 – Impact of Development on Highway Network
- T5 - Impact of Development on Highway Network
- TC7 – Other Archaeological Sites

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 4 – Decision-making
- 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
- Section 16 - Conserving and enhancing the historic 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)
- Design for Gravesham – Design Code (2024)

Other Relevant Guidance

- Kent County Council Dropped Kerb Guidance and Self-Assessment (2023)
- Gravesham Driveway Dropped Kerb Guidance (Informal Guidance) (2023)
- Gravesham Front Driveway Design Guidance (Informal Guidance) (2023)

Consultations, Publicity and Representations

Consultees

Kent Fire & Rescue

Upon reviewing the available plan drawings on the Gravesham planning portal, it is in my opinion that the emergency access requirements for the Fire and Rescue service under the above act appear to have been met.

Please be aware that should this proposal be successful it would then be subject to a Building Regulations consultation where the access arrangements would again be examined under section B5.

Fire Service access and facility provisions are a requirement under B5 of the Building Regulations 2010 and must be complied with to the satisfaction of the Building Control Authority. A full plans submission should be made to the relevant building control body who have a statutory obligation to consult with the Fire and Rescue Service.

No response from:

- Ward Councillors
- KCC Biodiversity
- KCC Heritage
- Kent Police

Neighbouring properties

9 surrounding properties were consulted plus site notice with an overall consultation expiry date of 14.02.2025 – one response received the comments of which can be summarised as follows:

- Original and revised D&A Statement have errors such as saying site is close to West & East Malling – demonstrates a lazy approach in relation to supporting documents and may suggest a general lack of attention to detail;
- D&A Statement states that the site is located on a bus route but this is for school services only;
- Proposed dwelling looks oversized for the plot and would introduce an element of overlooking.
- Although the applicant has stated there will be planting there are no details of the plants and foliage to be used – if approved a condition as to the level of biodiversity would be required; and
- Unnamed road which currently runs between 79 New House Lane and the nearby houses at 75 and 77 and is used as an emergency access from the schools to the rear should not be blocked during the build or once occupied.

Officer's Analysis

Procedural Note

It is noted that the Design & Access Statement has a number of errors such as referring to 79 New House Road or 79 Main Road rather than New House Lane, referring to the site being in a rural area with properties either side being sporadically spread and referring to the site lying relatively close to both West and East Malling. The agent was asked for the Design & Access Statement to be amended to correct these errors but the revised Design & Access Statement submitted still contains the errors.

The application site consists of land adjacent to no. 79 New House Lane which is on the southern side of New House Lane, some 85m from the junction with Dashwood Road. The site is located in an Area of Archaeological Potential and within the Thames Estuary And Marshes Ramsar Buffer Zone.

The proposal is for erection of a 4 bedroom self build detached house.

The principle considerations in the assessment of the application are:

- Principle
- Design, Character and Appearance
- Amenity of Occupiers
- Neighbouring Amenity
- Parking and Highway Safety
- Ecology & Biodiversity
- Archaeology

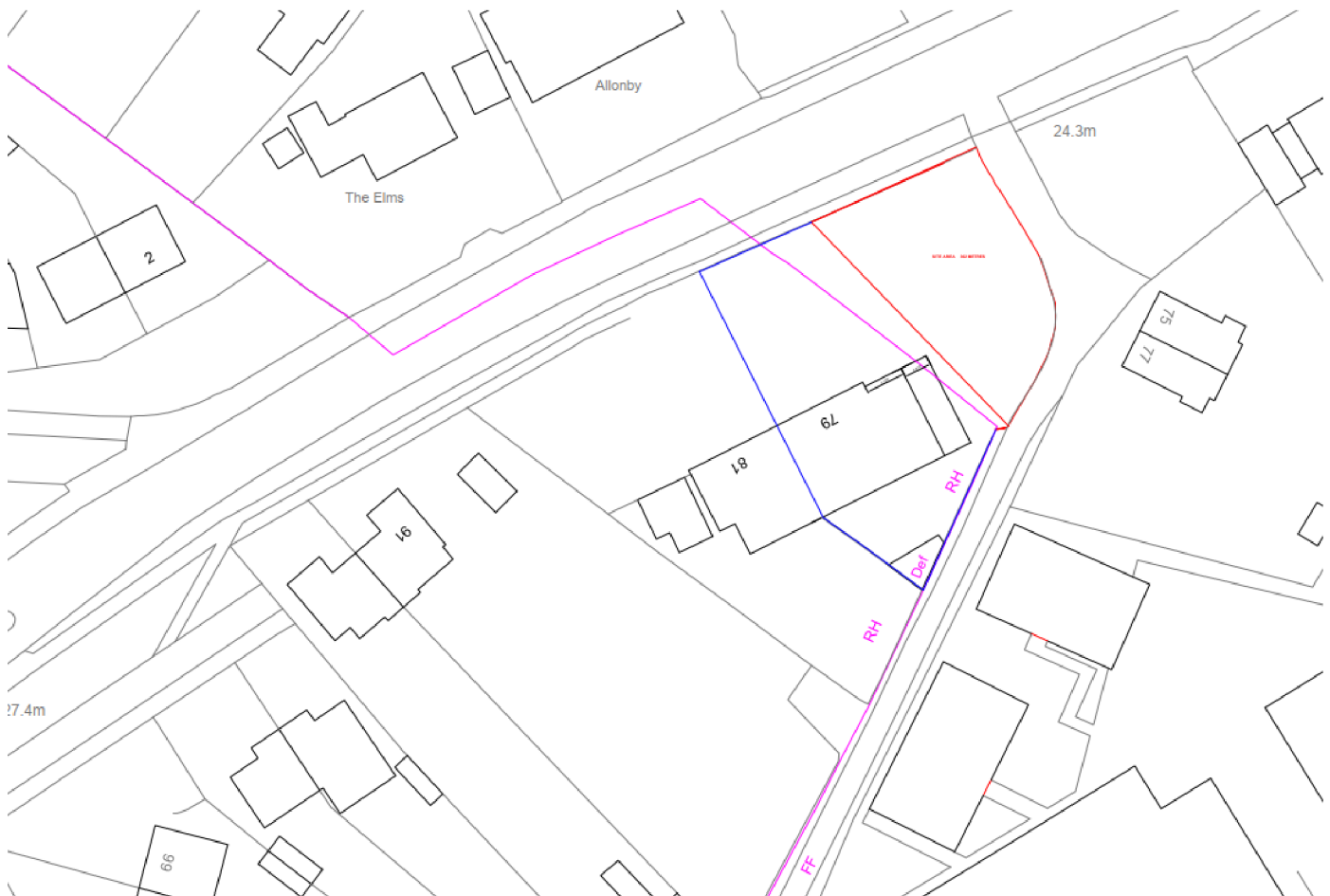
Principle

Policy CS02 (LPCS) states that development shall be prioritised in the urban area as a sustainable location for development. It states this will be achieved by amongst other things, promoting regeneration by prioritising the redevelopment and recycling of underused, derelict and previously developed land in the urban area and bringing forward a range of suitable sites in other parts of the urban areas for residential. This proposal for a dwelling on this site in the urban area is therefore acceptable in terms of principle. However, it will need to be assessed to see if it is acceptable in regard to all other considerations.

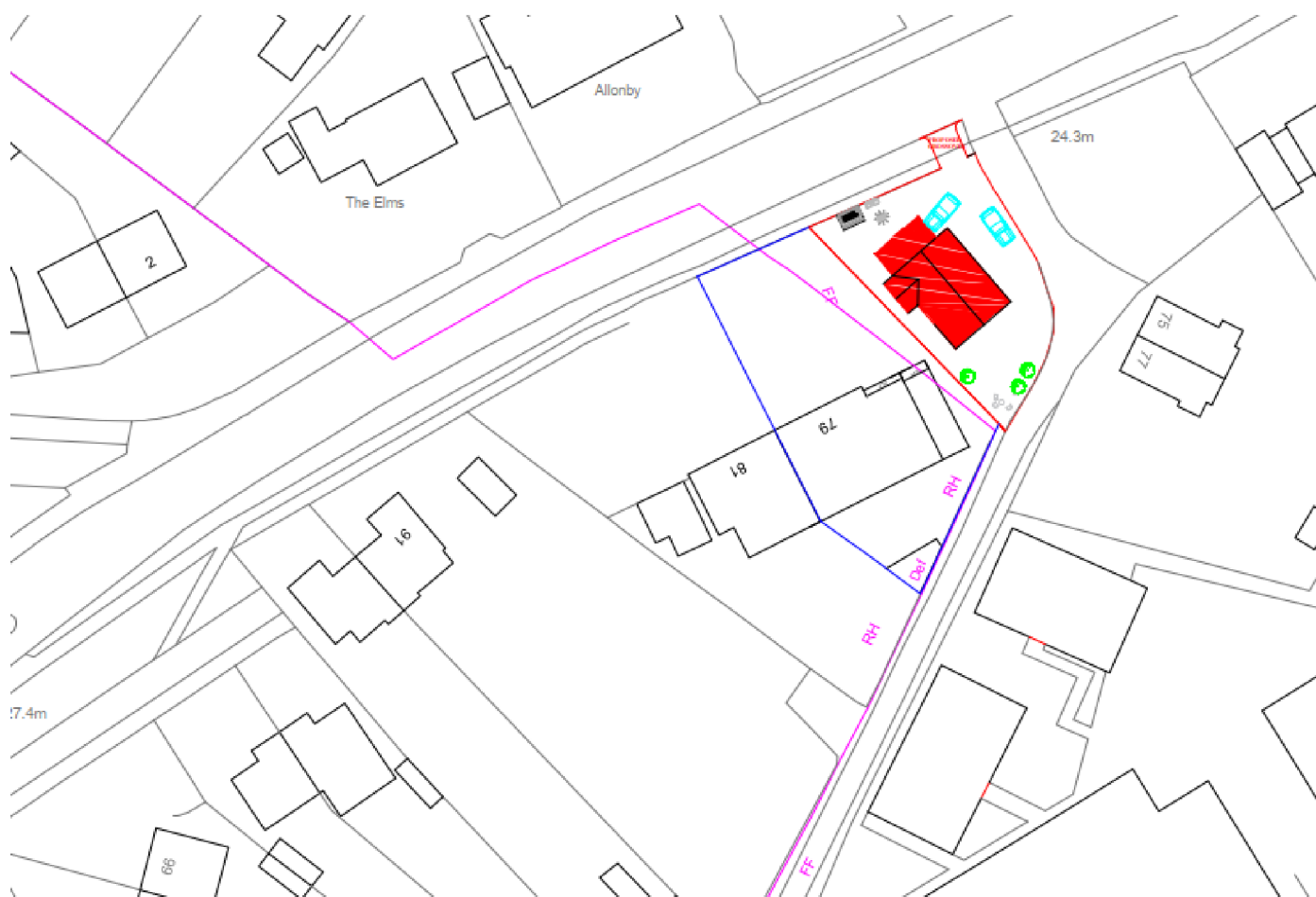
Design, Character and Appearance

For ease of reference the existing and proposed block plans are as follows:

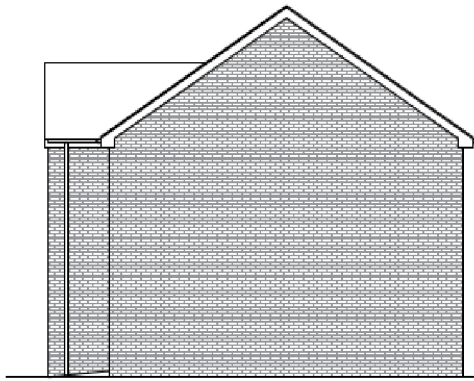
Existing Block Plan



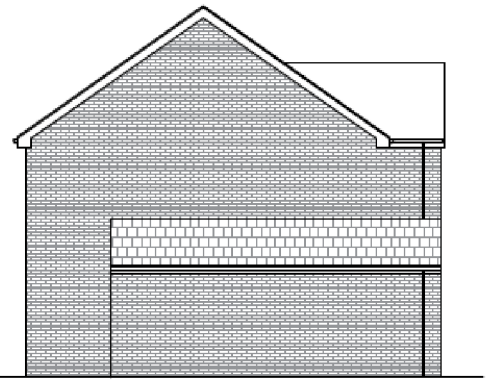
Proposed Block Plan



The proposed elevations & plans are as follows:



SIDE ELEVATION



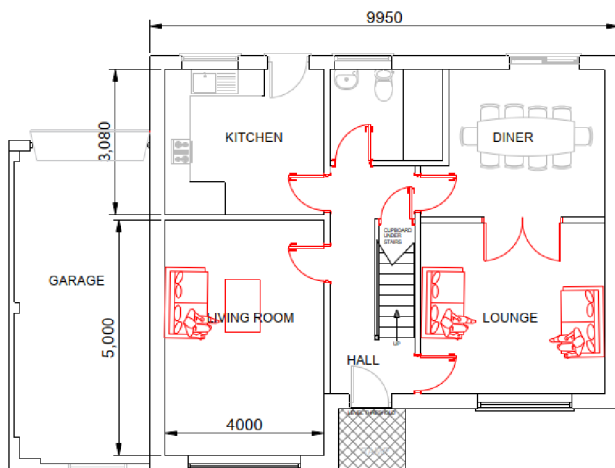
SIDE ELEVATION



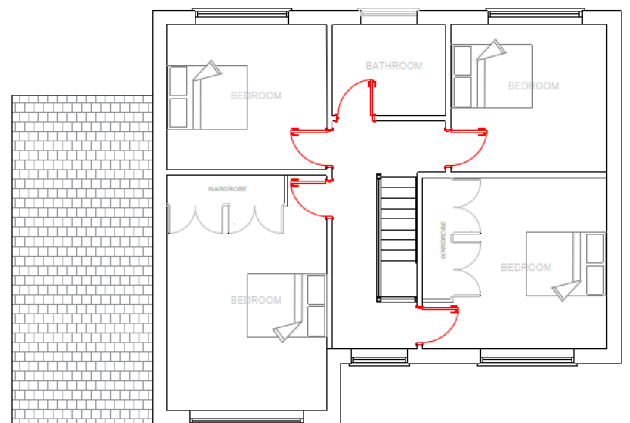
REAR ELEVATION



FRONT ELEVATION



GROUND FLOOR PLAN



FIRST FLOOR PLAN

The application site comprises of land adjacent to no. 79 New House Lane, it currently has boundary fencing all around it. To the south-west of the site is no. 79 New House Lane, a semi-detached two storey dwelling. To the east of the site is an access track which runs behind the application site. Next to this is a grass area beyond which is no. 57 New House Lane, a two storey detached dwelling. To the south-east of the application site are nos. 75 & 77 New House Lane, a pair of two storey semi-detached dwellings. To the south is St Georges Church of England School in Meadow Road. To the north of the site (opposite) are two storey detached and semi-detached dwellings which face onto the road behind, Farmcroft.

The dwelling would be 9.9m in width (12.9m including the garage at ground floor), have a depth of between 7.4m to 8.7m and a height of 7.8m to the top of the ridgeline. The dwelling would have a pitched roof with gable ends and would have a two storey gable feature on the front elevation. In the front elevation there would be the front door, three windows at ground floor and three windows at first floor level. In the rear elevation there would be double doors, a single door, a garage door and two windows at ground floor level and three windows at first floor level. There would be no openings in either flank elevation.

The siting, layout and orientation of the proposed dwelling is completely out of keeping with the surrounding pattern of development.

In respect of siting the dwelling would be located much further forward than the neighbouring dwellings either side at nos. 79 and no. 57 New House Lane. Although there is a pair of semi-detached dwellings further west at nos. 91 & 93 New House Lane which are set further forward beyond the main building line, these are more of an anomaly and not as stated in keeping with the predominant building line.

In respect of orientation, the north flank elevation of the proposed dwelling would face onto New House Lane. This elevation lacks any interest as it would be a completely blank elevation with no windows or doors in it. A blank windowless flank elevation is not the type of elevation you would expect to see fronting a streetscene particularly in this case where all the other dwellings on this side of the road have their front elevations facing the streetscene with windows and doors in. The proposed dwelling would therefore look extremely out of keeping in the streetscene.

The elevation which is labelled the actual front elevation would be one of the least visible elevations and would face south-west onto no. 79 New House Lane, it would be located in close proximity to the boundary. The rear elevation would face north-east facing towards no. 57 New House Lane with parking shown in front of the garage and behind the rear elevation. The other flank elevation would face south-east towards nos. 75 & 77 New House Lane and the school to the rear.

The proposed development would be visually disruptive to the established and recognisable pattern of the surrounding pattern of development. It would fail to address the public highway and would be of an awkward design attempting to fit into a tight and constrained plot. The form of the proposals would starkly contrast with the established pattern of the built environment.

The dwelling being sited so far forward in the streetscene, its front elevation being so close to the boundary with no. 79 New House Lane and the orientation of the dwelling with the blank windowless side elevation fronting onto New House Lane all result in the dwelling being an incongruous form of development. This together with the lack of a suitably sized useable garden space, means the dwelling would appear cramped contrived and visually discordant. It would be out of keeping and an anomaly with the pattern of development in the area.

The proposed development would be fully visible in the streetscene and from longer views along the road from the north-east and north-west. The proposed dwelling would therefore have a significant impact on the character and appearance of the streetscene.

The proposed dwelling by virtue of its siting, orientation and design would be an incongruous form of development which would appear cramped and overdeveloped and would be out of keeping with the pattern of development in the area. It would adversely affect the character and appearance of the streetscene and as such the proposal would be contrary to Policy CS19 (LPCS) and section 12 of the

NPPF (2024).

Amenity of Future Occupiers

Floor Area

The dwelling would be an eight person, 4 bedroom two storey dwelling. The Nationally Described Space Standards (2015) states that for this size accommodation the minimum internal floor area is 124 sq. m.

The internal floor area of the dwelling would be 137.8 sq. m and would therefore exceed the minimum internal floor area standard.

Bedrooms

In respect of bedrooms they are all shown as double bedrooms. The Nationally Described Space Standards (2015) states that for a double bedroom the minimum internal floor area is 11.5 sq. m. The bedroom sizes would be as follows:

Rear left - 10.5 sq. m
Rear right - 10.3 sq. m
Front left - 17 sq. m
Front right - 14.1 sq. m

As can be seen the rear left and rear right bedrooms are undersized by 1 sq. m and 1.2m respectively.

Garden area and rear garden depth

SPG2 (2020) states that the minimum garden area for a dwelling with four or more bedrooms is 100 sq. m and the minimum rear garden depth is 10m.

The proposed block plan shows the area behind the actual rear elevation of the proposed dwelling for the parking of cars. There is some greenery and a table and chairs shown next to the south east flank elevation of the dwelling. There is no actual defined line shown for the garden area but taking the area behind this south-east flank elevation it measures:

Area – 92.1 sq. m
Depth – Ranges from 5.7m – 9.2m

As can be seen the garden area would be undersized by 7.2 sq. m and the garden depth would be undersized by between 0.8m to 4.3m.

Amenity & Privacy

The outlook from the front windows is considered poor for future occupiers as they would look out onto the side and front of no. 79 New House Lane which would be in very close proximity, the single storey element of which would be 3.1m away and the two storey element would be only 5.9m. Occupiers would have no outlook onto New House Lane as there are no windows proposed in that elevation which is considered very poor. The elevation with any sufficient outlook would therefore be to the rear elevation only. The outlook for future occupiers is therefore considered poor and completely unacceptable and would be harmful to their amenity.

Due to the siting of the proposed dwelling being located so far forward of no. 79 and its orientation facing towards this dwelling, the windows in the front elevation of the proposed dwelling would be overlooked by the windows in the front of no. 79. In the front elevation of the proposed dwelling there would be habitable room windows serving a living room, lounge and two bedrooms. There are habitable room windows in the front elevation of no. 79 serving bedrooms. There would be a distance of some 8m between facing

habitable room windows at the shortest point. The minimum distance of 21m would not be achieved and as such future occupiers would have inadequate privacy by virtue of overlooking.

In summary, in respect of occupier amenity the proposed development by virtue of the siting, orientation and design of the proposed dwelling would result in future occupiers having poor outlook, being overlooked, with two undersized bedrooms and an undersized garden area and depth which would be harmful to their amenity and privacy. As such the proposal would be contrary to Policy CS19 (LPCS) and paragraph 135(f) of the NPPF (2024).

Neighbouring Amenity

Due to the siting of the proposed dwelling being located so far forward of no. 79 and its orientation facing towards this dwelling, the windows in the front elevation of the proposed dwelling would overlook the windows in the front of no. 79. In the front elevation of the proposed dwelling there would be habitable room windows serving a living room, lounge and two bedrooms and there are habitable room windows in the front of no. 79 serving bedrooms. There would be a distance of some 8m between facing habitable room windows at the shortest point. The minimum distance of 21m would not be achieved and as such occupiers of no. 79 would have inadequate privacy by virtue of overlooking.

Due to the proposed dwelling being sited so far forward of no. 79 and the fact the dwelling would be two storeys, it is considered that it would cause an overbearing impact on occupiers of no. 79 and would generally be an unneighbourly form of development.

The distance from the windows in the rear elevation of the proposed dwelling to the neighbouring dwelling to the east no. 57 New House Lane would be some 34m therefore no issues regarding overlooking as this exceeds the 21m minimum privacy distance.

There would be a distance of 13.5m between the rear elevation of the proposed dwelling and the properties to the rear nos. 75 & 77; the proposed dwelling would be located to the north west of these dwellings. Due to the distance it is considered there would be no actual overshadowing or overbearing impact caused to nos. 75 & 77. There are no windows proposed in the south east flank elevation facing these properties therefore no overlooking.

There would be a distance of some 30m from the proposed dwelling to properties to the north in Dashwood Road. Due to this distance there would be no impact on those properties with respect of overshadowing and as no windows in the north west flank elevations there would be no overlooking.

In respect of neighbouring amenity, the proposed development by virtue of the siting, orientation and design of the proposed dwelling would result in existing and future occupiers of the neighbouring dwelling no. 79 New House Lane being overlooked and an overbearing and unneighbourly form of development harmful to their amenity and privacy. As such the proposal would be contrary to Policy CS19 (LPCS) and paragraph 135(f) of the NPPF (2024).

Parking and Highways

The proposed dwelling would have four bedrooms. A new vehicular crossover is proposed to serve the dwelling. This would be located to the north western side of the front boundary to a width of 3m. The dwelling would have a single garage attached and the area to the rear of the dwelling is shown for the parking of cars.

With the garage and the area shown for parking the proposed dwelling would therefore have sufficient off-street parking provision for a four bedroom dwelling as set out in SPG4 (2006).

With regards the new access, there are vehicular accesses in the vicinity such as at no. 81 New House Lane to the south west and the rear access way to the east of the application site. Also beyond this nos. 57, 55, 53, 51, 49 and further properties beyond that. It is considered that subject to the matters of visibility

splays to ensure there is adequate vehicular and pedestrian visibility splays then it would be acceptable for a new access to be formed onto New House Lane.

If permission were forthcoming, subject to details the proposal would therefore be compliant with Policy CS11 (LPCS) and saved Policy P3 (LPFR).

Biodiversity and Ecology

Biodiversity Net Gain

Biodiversity Net Gain (BNG) is a mandatory requirement for all new development and proposals must deliver a BNG of at least 10% unless they are exempt. In this instance, the applicant is stating that the proposal is a self-build and is therefore exempt from BNG. Self-build has been inserted into the description and the applicant has completed the Custom and Self-build Delivery Statement Template.

Biodiversity

Notwithstanding that BNG does not apply, the proposal still stands to be considered against Policy CS12 (LPCS) which states that there will be no net loss of biodiversity in the Borough, and opportunities to enhance, restore, re-create and maintain habitats will be sought. The proposal being for a new dwelling with a footprint of some 98 sq. m together with the parking area etc. would result in a large amount of the existing grass on the site being removed and replaced with built form and hardstanding. As such there would be a net loss of biodiversity on the site and the proposal would therefore be contrary to Policy CS12 (LPCS).

Thames Estuary and Marshes Special Protection Area (SPA)

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 £314.05 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 1 unit and the applicant has not paid the required tariff (£328.27). 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 in respect of ecology and biodiversity is contrary to Policy CS12 (LPCS) and paragraphs 193 and 194 of the NPPF (2024).

Archaeology

The site is located in an Area of Archaeological Potential and the proposal would involve groundworks. KCC Heritage have not provided comments on this application but comments have been looked at for a proposed development nearby.

They advised that the site lies within an area of multi-period background archaeological potential but there are no significant archaeological records in the immediate surroundings.

This particular site is part of modern post war development along New House Lane and it is therefore considered that below-ground archaeological remains are not expected to be good. It is considered that if permission was forthcoming for the for the proposed development then archaeological mitigation could be addressed by the form of a watching brief during ground works which could be the subject of a planning condition.

In respect of archaeology the proposal is therefore considered compliant with saved Policy TC7 (LPCS).

Any Other Material Planning Considerations

None.

Conclusion

The proposed development is acceptable in relation to parking and highway safety. However, it is not acceptable in respect of design, character and appearance, amenity of future occupiers, neighbouring amenity or biodiversity.

Recommendation

Refusal

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

Case Officer:	Ms Rebecca Harrison	Team Leader:	Richard Hart
Signed:		Signed:	
Dated:	7th March 2025	Dated:	7th March 2025