

Delegated Report

Householder Planning Application

Planning Application No: 20220588

Location: 124 Wellington Street Gravesend Kent DA12 1JE

Description: Conversion of single residential dwelling into 2 flats and construction of an external staircase and landing.

Applicant: Mr Irfan Erdogan

Site Visit Date: Desktop Assessment

Submitted Documents/Plans

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

Relevant Planning History

Reference	Description	Decision	Decision Date
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: Advisory comments

Internal consultees

Ward Councillors: No comments received

GBC Highways: No objection raised
Neighbouring properties

8 surrounding properties were consulted and a site notice was posted nearby. No comments have been received.

Officer's Analysis

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 4/5 bedroom dwelling. There is a small front garden, but the site does 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 three bedrooms. Flat 2 at first floor and would also be three bedrooms. The proposal also includes the erection of an external staircase to the rear with a landing serving flat 2, at first floor.

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 LPCS.

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. Also, in accordance with 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. As such, the proposal is contrary to Policy CS14 (LPCS) and saved Policy H5 (LPFR).

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.

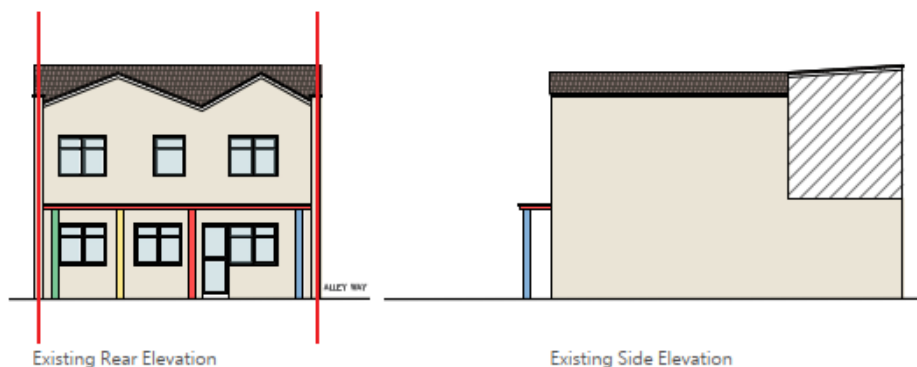
Design, character and appearance

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.

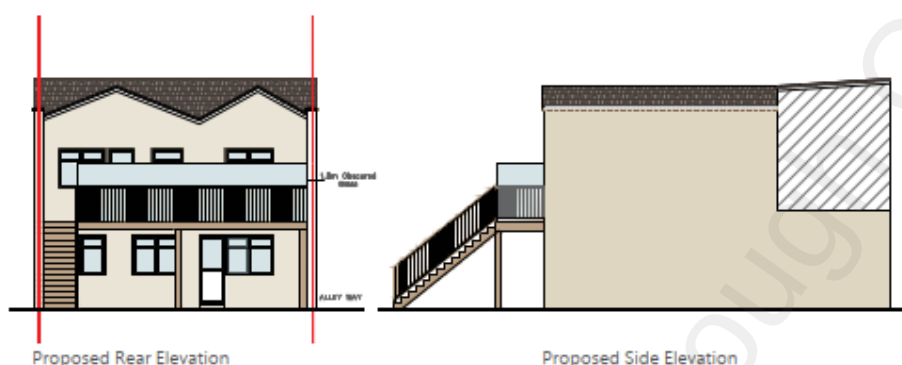
In a similar vein, Policy CS14 of the Core Strategy 2014 sets out that new housing development is expected to provide a range of dwelling types and sizes, taking into account the existing character of the area and evidence of local need to create sustainable and balanced communities.

The only visual alterations included in the proposal would be to the rear of the property which includes the construction of the external staircase and landing. Extracts of the existing and proposed plans have been taken below;

Existing Plans



Proposed Plans



The external staircase and landing also includes the installation of a obscure glazed cover over the landing which would also block the rear view from the windows of the first floor flat. These windows serve the bedroom and kitchen areas. Therefore, creation of a landing to the rear of the property, with the associated railings/obscure glazing and given that the external staircase extends approximately 4.5 metres along the shared boundary with 125 Wellington Road. The LPA consider that the alterations proposed to the rear of the property would appear incongruous and add excessive visual clutter to the rear the host property.

On this basis, the proposed development fails to respect the character and appearance of the application building and surrounding area. In light of the design concerns, the proposed development fails to comply with the requirements of Policies CS14 and CS19 of the Core Strategy 2014, and paragraphs 126 and 130 of the NPPF 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 2no. 3 bed flats. For a 1 storey flat, of 3 beds, at 3 occupancy the Nationally Described Space Standards (NDSS) requires a gross internal floor area of 74sq.m. Each of the flats proposed would be approximately 80 sq.m metres.

In terms of amenity space, where self-contained flats, which have two or more bedrooms and capable of providing accommodation, an area of amenity space in excess of 10 sq.m would be expected. The amenity space provided in the current proposal is approximately 18 sq.m, however, there are concerns with the quality of the amenity space and the impact to the ground floor flat. 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.

Furthermore, the application does not make it clear how the users of the ground floor flat would access the flat since the entrance is solely to the rear of the property. The flank boundary of the site is adjacent to a public right of way with a brick wall along the boundary. There is a covered ally way which runs along the southern boundary of the site, i.e. the public right of way, but the Council would be concerned about occupants of the ground floor, at ground floor, having to access their home through an alley way especially in dark evening/early mornings.

An extract from the potential access to the site has been extracted from Google maps and demonstrated below;



The layout of the property is not considered to create a safe and secure environment and provide sufficient surveillance to minimise opportunities for crime and vandalism. Therefore, the proposal is considered to contrary to the requirements of Policy CS19 of LPCS and paragraphs 92(b) 126 and 130 of the NPPF (2021).

Neighbouring Amenity

As noted above, the proposal includes the creation of external staircase and landing, which also includes the installation of an obscure glazed cover over the landing. Also referenced earlier was the fact the site has also been previously extended to the rear, at ground and first floor levels. Google maps indicates that the host property has been extended significantly further beyond the rear wall of the adjacent property at no. 125 Wellington Street. Therefore, the creation of a landing is likely to create further overlooking into the neighbouring gardens and, noise generated at first floor level, as the plans seems to indicate that the landing created would be used as a roof terrace type, due to the installation of the covered roof area.

Overall, the loss of amenity/privacy harms resulting from the proposed landing/roof terrace demonstrates the proposal conflicts with Policy CS19 of the Core Strategy 2014 and paragraph 130(f) of the NPPF 2021 in respect of the standard of amenity and adjacent residential accommodation at 125 Wellington Street.

Parking and highway safety

The Highways officer has been consulted on the current application and has not raised an objection to the application, despite not being able to provide off street parking. Although, the application site is close to the town centre and the site itself is not possible to provide off site parking provisions given the short depths of

the front gardens.

Notwithstanding this, suggestions were made to provide cycle provisions in accordance with the guidance in SPG4 KCC Parking Standards. However, the application is recommended for refusal and the highways requests, at this time, will not overcome an unacceptable principle of development.

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 not been provided by the applicants (the required tariff would be £275.88 for the net addition of 1 unit. 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 Paragraphs 180 and 181 of the NPPF 2021 and Policy CS12 (LPCS.)

Conclusion, Balancing Exercise & Recommendation

The proposal would have the benefit of providing a net addition of one unit which would be a modest contribution to the Borough's housing supply which adds some weight to the proposal. However, it is also

considered 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, would provide unacceptable living conditions, a poor standard of amenity for future occupiers and would harm neighbouring amenity to adjacent occupiers. The application would also potentially have significant adverse effects on the North Kent Marshes SPA/Ramsar site. As such, the proposal is contrary to Policies CS12, CS14 and CS19 (LPCS) and saved Policy H5 (LPFR).

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

Case Officer:	Mrs Genna Henry	Team Leader:	Richard Hart
Signed:	<i>G.Henry</i>	Signed:	R Hart
Dated:	25th July 2022	Dated:	26th July 2022