



Delegated Report

Full Planning Application

Application No:	20211506
Location:	1 Codrington Gardens, Gravesend, Kent, DA12 5DB
Description:	Erection of an attached 2 bedroom house in the side garden of the existing dwelling house and provision of off street car parking.
Applicant:	Mr Hardeep Singh
Site Visit:	N/A Desktop Assessment

Submitted Documents/Plans

Application Form - dated 05/12/2021;
Design and Access Statement;
Covering Letter for Survey Documents - dated 20/01/2022;
Supplementary Information - Ecological Survey (dated 20/01/2022);
Supplementary Information - Bat Scoping Survey (dated 20/01/2022);
Drawing no. FV-2021-01A - Existing and Proposed Block Plans (scale - 1:500);
Drawing no. FV-2021-02 - Existing and Proposed Ground Floor Plans;
Drawing no. FV-2021-03 - Existing and Proposed First Floor Plans, Roof Plans and Elevations;
Drawing no. FV-2021-04 - Site Location Plan (scale - 1:1250);
Drawing no. FV-2021-04A - Site Location Plan, with Existing and Proposed Block Plans.

Plan Note

There are discrepancies in the proposed elevation plans on 'Drawing no. FV-2021-03'. The front and rear elevations do not show any subservience to the ridge of the terrace, however subservience is shown on the side elevation. Similarly, there are discrepancies in terms of set-back between the floor plans and the roof plan.

If the Local Planning Authority were minded to granted permission for the above development then the agent would have been contacted to rectify these errors.

Relevant Planning History

Application No.	Description	Status	Decision
20211121	Erection of an attached 3 bedroom house in the side garden of the existing dwelling house and provision of off street car parking.	REFUSED	30.11.2021

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 - Sustainable Development
- CS02 - Scale & Distribution of Development
- CS11 - Transport

- CS12 - Green Infrastructure
- CS14 - Housing Types and Sizes
- CS15 - Housing Density
- CS18 - Climate Change
- CS19 - Development & Design Principles

Gravesham Local Plan: First Review (1994)

- P3 - Vehicle Parking Standards
- T5 - Access to the Identified Highway Network

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 9 - Promoting Sustainable Transport
- Section 11 - Making effective use of land
- Section 12 - Achieving sustainable development and well-designed places
- Section 14 - Meeting the challenge of climate change, flooding and coastal change
- 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;
- SPG 4 - KCC Parking Standards (2006);
- Gravesham Householder Extensions/Alterations Design Guide SPD (2021);
- Technical Housing Standards - Nationally Described Space Standards (2015);
- Kent County Council Vehicle Crossing Guidance: - Self Assessment (2016).

Consultations, Publicity and Representations

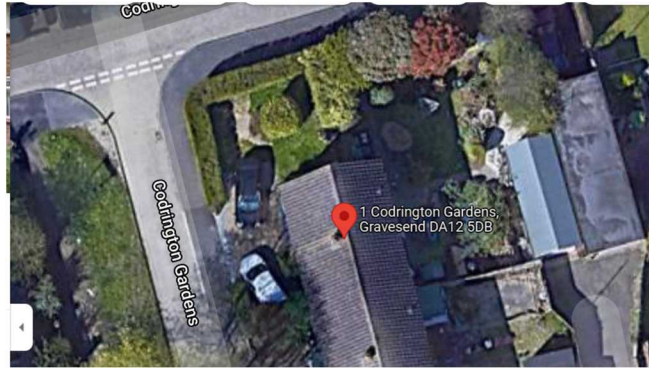
External Consultees

Natural England - No objection subject to securing appropriate mitigation

KCC - Heritage - I have no comments on archaeological matters.

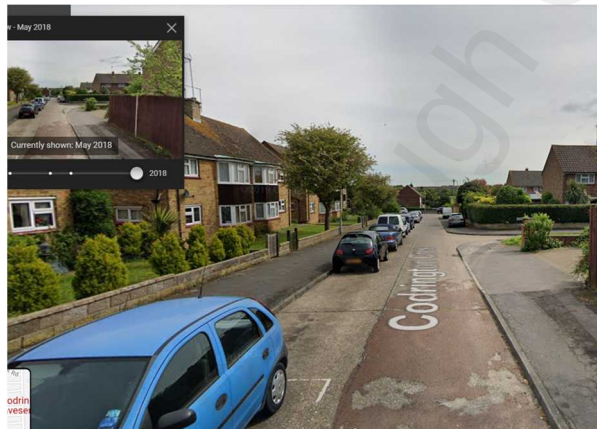
Internal Consultees

GBC - Highways Officer - Looking at the satellite image on Google Maps there appears to be two vehicles parked in the front garden of 1 Codrington Gardens.



This proposal would remove one of those spaces and Codrington Gardens by the nature of its width is not suited to on street parking.

The latest images from Google Street View May 2018, shows some on street parking distress with vehicles being parked on the footway to the detriment of pedestrians.



The recommendation is therefore one of refusal as any displaced parking would be detrimental to highway safety and potentially the free flow of traffic, including pedestrians.

(By extending the length of single track highway available on Codrington Gardens and the possible blocking of footways)

Neighbouring properties

Fourteen surrounding properties were consulted and no representations were received. The consultation period expired 10th January 2022.

Preliminary Matters

An application for the 'Erection of an attached 3 bedroom house in the side garden of the existing dwelling house and provision of off street car parking' was refused planning permission in 2021 (ref. 20211121). The Local Planning Authority was refused on the following grounds:

1. *The proposed dwelling is inappropriate development on a corner plot which disrupts an established building line, develops a planned open area within the street scene which is a characteristic of the surrounding estate and is not distinguishable from the main terrace through subservience or set-back. Therefore the development is contrary to Policy CS19 (Development and Design Principles) of Gravesham's Local Plan Core Strategy (2014) and Section 12 of the National Planning Policy Framework (2021).*
2. *The development fails to safeguard the amenity of future occupiers and neighbouring properties by virtue of direct and perceived overlooking into private amenity space contrary to the privacy distances recommended in Gravesham's Residential Layout Guidelines (2020). Therefore, the proposal is contrary to Policy CS19 (Development and Design Principles) of Gravesham's Local Plan Core Strategy (2014) and Section 12 of the National Planning Policy Framework (2021).*
3. *The proposed crossover extension and driveway are a hazard to highway safety by virtue proximity to the junction and limited visible splays for incoming traffic significantly increase the potential for collisions, exacerbated by the parallel parking and multiple manoeuvres required for vehicles to egress. Therefore, the proposed development is contrary to Policy CS11 (Transport) of Gravesham's Local Plan Core Strategy (2014), saved policies P3 (Vehicle Parking Standards) and T5 (Access to the Identified Highway Network) of the Gravesham Local Plan First Review 1994, the Adopted Kent Vehicle Parking Standards (SPG4), Kent County Council vehicle crossing guidance (2018) and Section 9 of the National Planning Policy Framework (2021).*
4. *The proposal fails to safeguard biodiversity and fails to secure a contribution towards strategic mitigation measures within Special Protection Areas, and in the absence of this contribution or adequate information to inform an Appropriate Assessment. Therefore, the development fails to comply with the requirements of the Habitat Regulations, Section 15 (specifically paragraphs 180 and 181) of the National Planning Policy Framework (2021) and Policy CS12 of Gravesham's Local Plan Core Strategy (2014).*

In order to be granted planning permission the revised scheme must be considered to overcome the reasons for refusal. The Delegated Report from the refused application (ref. 20211121) will be attached as Appendix 1.

Officer's Analysis

Given Gravesham's current inability to demonstrate a 5 year housing land supply (a 3.27 year supply has most recently been calculated within the statement published here), and as the delivery of housing was substantially below (less than 75%) that required by the Housing Delivery Test, the housing delivery element of Gravesham's Local Plan Core Strategy (LPCS) (2014) Policy CS02 must be regarded to be out of date, as required by the Paragraph 11(d) of the National Planning Policy Framework (NPPF) (2021). This requires that in regard to housing development, planning permission should be granted unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

In the Gravesham context, the policies referred to in paragraph 11(d)(i) above are those set out in the NPPF at footnote 7 (rather than those in development plans) relating to any of the following:

- Habitats sites (and those sites listed in NPPF paragraph 182)
- 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 68); 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 (paragraph 125(c)) in context, the relative contribution the proposal makes towards the alleviation of any shortfall in housing delivery at that time and any other considerations material to the proposed development.

The proposed development for a net increase of '1' residential units would offer a minimal but important contribution towards meeting this local need and, accordingly, officers considers that this should be accorded appropriate weight in support of the application. However, this has to be balanced against other requirements of the NPPF (2021) which requires new development to contribute positively to the overall quality of the area, be visually attractive, sympathetic to local character and create acceptable amenity for future occupiers.

Policy CS02 (Scale and Distribution of Development) (LPCS) prioritises development in the urban area as a sustainable location for development by bringing forward a range of suitable sites on other parts of the urban area for residential. The application site lies within the urban area of Gravesend and is not subject to any specific local planning policies or constraints that restrict the principle of development, other than general policies that seek to protect the character of the area and the amenity of existing and future residents.

It is considered that local adopted Policies CS14 (Housing Type and Design), CS15 (Housing Density) and CS19 (Development and Design Principles) (LPCS) together provide an assessment framework in line with the guidance provided by paragraph 71 of the NPPF (2021). The proposal shall be assessed against these policies in the following section reviewing the character and appearance of the scheme.

Site Description

1 Codrington Gardens is an end of terrace property located on the northern side of the highway close to the junction with Codrington Crescent. The property has a shallow driveway at the front and a garage within the rear garden served by an access road. It is on a relatively generous plot compared to other nearby properties, with a side garden area fronting Codrington Crescent.

The curtilage of the property has been annotated onto a google maps satellite image to show the extent of the curtilage, the driveway arrangement and garage. The property has mature hedging along the boundary and has substantial soft landscaping, trees and shrubs within the garden area.



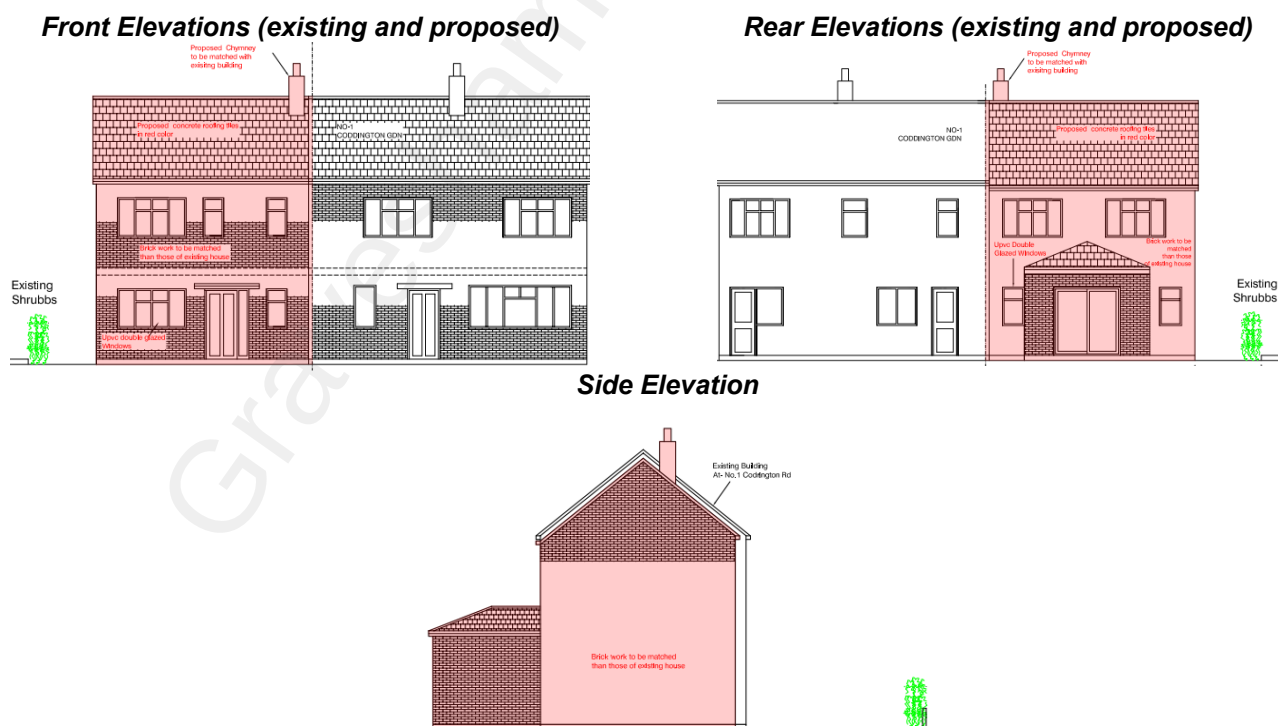
The surrounding area is characterised by two storey terraced properties, these properties are uniform in terms of design, scale and form.

Description of the Proposal

This application proposes the erection of an attached two storey, two bedroom dwelling in the side garden of 1 Codrington Gardens. The proposed dwelling will have a footprint of 45.5m² and has associated parking. The garden will be subdividing with the host property (no.1 Codrington Gardens) retaining approximately half of the original rear garden area (94m² - including the garage).

The new dwelling will have a pitched roof with a gable end. It has been designed with similar features to the host property and other surrounding properties on Codrington Gardens with a central strip of render dividing sections of facing brickwork and includes a chimney. There will be a small storm porch at the front and a part width single storey pitched roof rear extension.

The screenshots below demonstrate the proposed dwelling (red) and allow for a comparison with the existing property.



It will have an internal floor area of 65m² and will have the following dimensions:

Main Dwelling

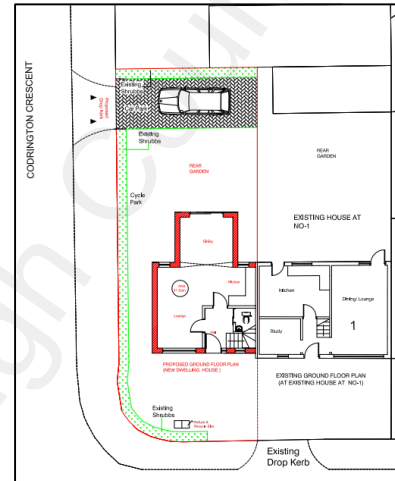
- Depth - 5.4m
- Width - 6.25m
- Height (max) - 7.75m
- Height (eave) - 5.35m

Rear Extension

- Depth - 3m
- Width - 3.75m
- Height (max) - 3.55m
- Height (eave) - 2.75m

The proposed dwelling will have an open plan kitchen/living/diner and w.c. on ground floor, with two bedrooms and a family bathroom at first floor. The sizes of each room and the proposed garden area are as follows:

Room	Area
Kitchen/Living/Diner	31m ²
W.C. (ground)	1.65m ²
Bedroom 1	12.5m ²
Bedroom 2	7.5m ²
Bathroom	2.5m ²
Garden	51.25m ²



Design, Character and Appearance

As aforementioned in this report, the surrounding area is characterised by two storey terraced properties, which are of similar scale, design and features. The proposed dwelling will be attached the end of the existing terrace, its design has incorporated similar features and will be finished using facing brickwork to match the adjoining properties.



Gravesham's 'design guide (SPD) (2021)' sets out the key principles for new development and states that proposals should reflect, respect and respond to the original character, however subservience and set-back from the building line are preferred. Furthermore, the SPD states that extensions to corner plots are highly visible and should respect established building lines and not dominate the street corner.

The proposed dwelling will develop a corner plot, which is an established and planned area of open space within the street scene. These planning open areas on corner plots are reflected in the wider estate and the building lines are established in a manner to reflect these open corner plots. The previous application was refused for being *'inappropriate development on a corner plot which disrupts an established building line,*

develops a planning open area within the street scene which is a characteristic of the surrounding estate’.

It is acknowledged that the revised proposal has reduced the number of bedrooms in the dwelling and reduced the width of the dwelling, however these reductions are not considered to overcome the reason for refusal and the proposal would be disruptive to the character of the street scene.

There are design concerns with the eave height at the rear of the property, which is lower than the adjoining terrace and considered incongruous. In addition, the ground floor windows on the front elevation are lower than those in the adjoining terrace, this is also considered to be incongruous and poor design.

Overall, the proposed dwelling is considered to be inappropriate development that is harmful to the street scene by developing an established and planned open area which is a characteristic within the locality. Moreover, the proposed dwelling is constructed beyond the established building line into the side garden. The development will be incongruous with unsymmetrical features such as windows and eaves that do not align with the other terraced properties. As such, the proposal is contrary to guidance within the design SPD (2021). Therefore the development is contrary to Policy CS19 (Development and Design Principles) (LPCS) and Section 12 (Achieving Well-Designed Places) (NPPF). It has failed to satisfactorily address the first ground of refusal from 20211121.

Amenity of Future Occupiers

Policy CS19 (LPCS) requires that all development should be ‘fit for purpose’ and be ‘adaptable to allow changes to meet the need of users’ and that ‘the design and layout of new residential development, including conversion, will accord with the adopted Residential Layout Guidelines’ (RLG) (2020). Moreover, on 25 March 2015 the Government issued a written ministerial statement, which introduced new technical housing standards in England and set out how these would be applied through planning policy. These standards came into effect on 1 October 2015.

The Nationally Described Space Standards (2015) require a two storey dwelling for three people to have a floor area of 70m², with built in storage space of 2m². The internal space for the property is approx. 65m² (as detailed in the Design and Access Statement (DAS)) and therefore the proposed dwelling is considered to be a cramped form of development, which provides poor quality accommodation for future occupiers in terms of floor area.

Notwithstanding this, Gravesham’s RLG breaks down the measurements further, recommending minimum floor areas for specific rooms as shown in the table below. These recommended minimum floor areas have been compared to the proposed room sizes within the property for comparison.

	RLG (minimum floor area)	Proposed Room Size
Living/Diner	25.2m ²	31m ²
WC	1.3m ²	1.65m ²
Double Bedroom	11.2m ²	12.5m ²
Single Bedroom	6.5m ²	7.5m ²
Bathroom & WC	3.6m ²	2.5m ²

The table demonstrates that the majority of the rooms provided within the development are in accordance with the RLG recommendations. Nevertheless, the overall floor area within the property would be substandard and provide poor quality accommodation contrary to the National Space Standards.

The garden area for the proposed dwelling includes a cycle store and driveway, which reduce the area. This area, excluding the driveway is 51.25m² and has a maximum depth of 8m. The RLG states that the garden area for a 2 bedroom dwelling should have a minimum area of 37.2m² and a minimum depth of 7.6m. Therefore, the amenity space provided is in accordance with the RLG.

The application has not however addressed the issue of overlooking for future occupiers of the new

dwelling from application reference 20211121. The previous refusal highlighted that the new dwelling will be overlooked by the adjoining property at the rear, no.64 Wilberforce Way. Gravesham's RLG states that the minimum window-window distance for habitable rooms should be 26m when over private garden area. The window-window distance is 21.5m. As such the private amenity space of the new dwelling will be overlooked by the adjoining property and is considered to limit privacy. Even though the amenity space of the existing property is similarly overlooked by no.64 Wilberforce Way, the policy guidance and privacy distances were different when the wider estate was constructed.

The remaining garden size for no.1 Codrington Gardens would comply with the RLG for a two bedroom property.

The proposed dwelling fails to safeguard the amenity of future occupiers and is therefore contrary to Policy CS19 (LPCS) and Section 12 (NPPF). The floor area of the dwelling is substandard and contrary to nationally described space standards and fails to provide private amenity space, thus the proposed accommodation is poor quality and below the standard that future occupiers are expected to enjoy. It has failed to satisfactorily address the second ground of refusal from 20211121.

Neighbouring Amenity

The erection of a new dwelling in this location is not considered to cause material harm to the amenity of any adjoining property in terms of loss of light, outlook or sense of enclosure. However, the proposed dwelling is not considered to have overcome the issue of privacy and overlooking raised in the previous refusal. Similar to the discussion on overlooking for future occupiers (above), the new dwelling will fail the privacy distances recommended in Gravesham's RLG. The distance between the new rear windows of the property and the private amenity space of no.64 Wilberforce Way is 21.5m and is below the recommended 26m.

The DAS discusses overlooking onto no.64 Wilberforce Way, stating that the distance between the properties is 18m and that this distance is *'more than sufficient to maintain privacy and avoid overlooking'*. Conversely, the 18m distance specified is significantly below the recommended 26m distance in the RLG. Moreover, the DAS states that high rising shrubs along the rear boundary will mitigate overlooking, however these shrubs can be cut back or removed at any time and therefore are not considered sufficient mitigation.

An argument could be made that the private amenity space of no.64 Wilberforce Way is already overlooked by no.1 Codrington Gardens. However, the proliferation of windows from the new dwelling, and the direct and perceived levels of overlooking as a result will have a detrimental impact on the private amenity space that occupants should expect to enjoy.

No representations received from surrounding properties on this application.

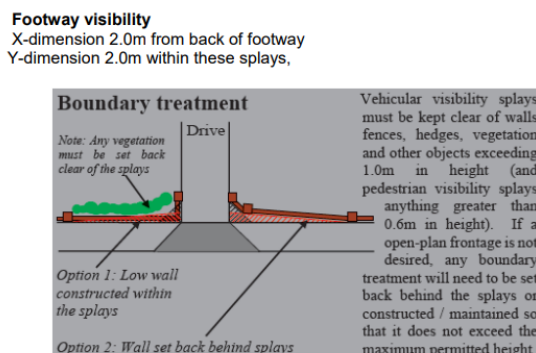
Overall, the application is considered to be an unneighbourly form of development that results in unacceptable levels of direct and perceived overlooking onto the adjoining property at the rear, failing to safeguard private amenity space contrary to Gravesham's RLG, Policy CS19 (LPCS) and Section 12 (NPPF). It has failed to satisfactorily address the second ground of refusal from 20211121.

Parking and Highways

The proposed development will form a driveway in the rear garden of the new dwelling and introduce a new crossover onto Codrington Crescent. In addition, the development will reduce the available parking area for no.1 Codrington Gardens from the existing two spaces, to one.

The proposed driveway has a depth of 8.4m and a width of 2.95m, which accord with Kent County Councils' parking standards (SPG 4) (2006). The crossover will be approximately 19m from the nearest junction. However, the proposed access will provide substandard pedestrian visibility splays that increase the risk of injury for users of the footway. The driveway access will have standard fencing at a height of 1.8m and some shrubbery, which limit visibility. Kent County Councils' vehicle crossing guidance document

(2016) states that footway visibility should have no obstruction above 0.85m with 2m by 2m splays (see screenshot below):



Therefore, the proposed access and driveway in the garden are considered to be a risk to pedestrians by virtue of unacceptable visibility splays contrary to guidance.

The Highway Officer has recommended that the application is refused by virtue of reducing parking on the existing driveway for no.1 Codrington Gardens. In the surrounding roads, there is a high demand for on street parking and the road widths are not suited to on street parking. There was evidence provided by the Highway Officer regarding the blocking up of footways by parked vehicles due to the existing demand. As such, the further increase in demand that would be created by the proposed development will exacerbate these issues, and impact the free flow of traffic and pedestrians.

The proposed dwelling is unacceptable in terms of highway policy and guidance. The driveway poses a risk to pedestrian safety by providing unacceptable visibility splays and the reduction of parking on the existing driveway increases demand for on street parking in a location that is unsuitable and overcrowded. Therefore, the development is contrary to Policy CS11 (Transport), saved Policies P3 and T5 of Gravesham's Local Plan First Review (LPFR) (1994), SPG 6: Planning Policy for Vehicular Accesses to Classified Highways (2009) and Kent County Council vehicle crossing guidance (2016).

Any Other Material Planning Considerations

Refuse - Policy CS19 (LPCS) requires new development to incorporate appropriate facilities for the storage and recycling of waste.

The plan submitted show that there will be a refuse area at the front of the property, with space for two wheelie bins. The DAS confirms that future occupiers will be required to place their refuse containers on Codrington Gardens on collection day, and return them to the property following collection. This is the same strategy for other properties within the surrounding area.

In summary, with regard to the refuse arrangements, the strategy complies with Policy CS19 (LPCS).

Ecology and Biodiversity (Bird Mitigation) - The Thames Estuary and Marshes Ramsar site and Special Protection Area (SPA) are internationally important for nature conservation as the area is a wetland and supports important numbers of wintering water birds and migrating birds. There has been a decline in the number of birds using these sites in recent years. Studies show that this could be due to people using the estuary and marshes for recreation purposes. The North Kent Bird Disturbance Report concludes that all new housing development within 6km of the North Kent Ramsar Sites or Special Protection Areas (including the Thames Estuary and Marshes) and larger housing development beyond 6km from the sites could have an adverse impact on them. This is because new housing development is likely to lead to further increases in recreational use of the sites, which means that further declines in the bird population cannot be ruled out. Possible mitigation measures are set out in the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring Strategy. Having considered a number of options, the Council have decided to impose a tariff on new housing development. Developers will need to pay £253.83

for every new dwelling provided within 6km of the Ramsar site and SPA and for larger housing developments beyond 6km from them. The money raised will be used to pay for schemes to avoid the adverse impacts of new housing development on the birds.

In this instance, the proposed development would result in the creation of an additional residential property and as such, additional recreational activity would result. Therefore, it is considered that there would be an adverse impact to the Thames Estuary and Marshes Ramsar Buffer Zone, which should be mitigated in line with Policy CS12 (LPCS). In such cases the Borough Council has adopted a tariff that is payable for each new dwelling unit within 6km of the SPA/Ramsar site of £253.83 per new dwelling unit.

The applicant has acknowledged and expressed a willingness to complete the SAMMS Mitigation Contribution Agreement, however the contribution has not been made and therefore fails to comply with the requirements of the Habitat Regulations and Section 15 (specifically paragraphs 180 and 181) of the NPPF and Policy CS12 (LPCS).

There were two surveys and appraisals submitted relating to Bats and Ecology. The Bat scoping survey found no evidence of bats on the site and states that *'the section of the building due to be impacted by the development proposal is considered to have negligible potential to support roosting bats'*. The Ecological Appraisal highlighted that there potential issues with the breeding birds, designated sites and hedgerows but continues to state that these issues can be addressed. The appraisal concludes that *'the development also presents an opportunity to enhance the habitats available to wildlife'*.

Notwithstanding the above, the new dwelling would reduce biodiversity on the site by virtue of introducing new development. Whilst the boundary hedge will be retained, the side garden will be developed and no additional planting or soft landscaping is proposed. The NPPF (Section 15) states that developments should result in biodiversity net gain, which is not the case with this application. The applicant has failed to demonstrate how the loss of biodiversity will be offset and as such should not be supported.

Conclusion and Balancing Exercise

The revised application, for the erection of a two bedroom dwelling, has not overcome the previous reasons for refusal and is contrary to local and national planning policy.

The new dwelling is inappropriate development on a corner plot which disrupts an established building line and develops a planned open area within the street scene which is a characteristic of the surrounding estate. The proposal fails to safeguard the private amenity space of both future occupiers and neighbouring properties by virtue of direct and perceived levels of overlooking. In addition, the proposed driveway and rear crossover represents a risk to pedestrian safety by virtue of unacceptable visibility splays and the loss of parking on the existing driveway will increase demand for on street parking in an unsuitable location where parking is at a premium. Therefore, the proposal is contrary to Policies CS11 and CS19 (LPCS), saved policy T5 (LPFR), SPG 6: Planning Policy for Vehicular Accesses to Classified Highways (2009), Kent County Council vehicle crossing guidance (2016), as well as Sections 9 and 12 (NPPF).

Furthermore, the proposal fails to secure a contribution towards strategic mitigation measures within Special Protection Areas, and in the absence of this contribution or adequate information to inform an Appropriate Assessment, the development fails to comply with the requirements of the Habitat Regulations, Section 14 (specifically paragraphs 180 and 181) (NPPF) and Policy CS12 (LPCS). Moreover, the new dwelling results in a net loss biodiversity on site contrary to Policy CS12 (LPCS) and Section 15 (NPPF).

Recommendation

Refusal

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

Case Officer:	Mr Ethan Bonthron	Team Leader:	Miss Faye Hobbs
Signed:		Signed:	
Dated:	27 th January 2022	Dated:	28 January 2022