



Delegated Report

Full Planning Application

Application No:	20241097
Location:	Rear Of 1A Prospect Place, Gravesend, Kent, DA12 2SD
Description:	Conversion of existing storage unit into 2x studio flats with the demolition of garage and erection of a first floor extension.
Applicant:	Mr S Khalid
Site Visit:	N/A Desktop Assessment

Submitted Documents/Plans

- Application Form – dated 02 December 2024;
- Design and Access Statement (November 2024);
- Ordnance Survey Site Location Plan (scale – 1:1250);
- Drawing no. PL/1PP/SD100 – Existing and Proposed Block Plans, Floor Plans and Elevations.

Relevant Planning History

Reference	Description	Decision	Decision Date
20191034	Application for a Lawful Development Certificate in respect of the proposed use of the outbuilding as a gym and storage.	CERTIFICATE REFUSED	23.09.2020
20110462	Application for Lawful Development Certificate for the existing use of the property as a one bedroom self contained flat and a four bedroom maisonette.	CERTIFICATE GRANTED	16.06.2011
20010358	Erection of single storey rear extension to form a kitchen.	PERMITTED	28.06.2001
19950687	Erection of single storey rear extension to form shower room/w.c.	PERMITTED	04.12.1995
19800184	Erection of new single storey shop at 1A Prospect Place and erection of a replacement private garage at the rear of 70 Milton Road Gravesend	PERMITTED	22.05.1980
19790918	Demolition of shop and garage and erection of a new single storey shop	REFUSED	28.12.1979

Development Plan

Gravesham Local Plan Core Strategy (2014)

- CS01 – Sustainable Development

- CS02 – Scale & Distribution of Development
- CS11 – Transport
- CS12 – Green Infrastructure
- CS14 – Housing Types and Size
- CS15 – Housing Density
- CS18 – Climate Change
- CS19 – Development & Design Principles

Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards

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 9 – Promoting Sustainable Transport
- Section 11 – Making Effective Use of Land
- Section 12 – Achieving 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
- 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)

Consultations, Publicity and Representations

Consultees

Local Ward Councillors – No comment received.

Neighbouring properties

Five surrounding properties were consulted and one representation was received. The neighbouring resident registered objection to the development, raising both material and non-material planning considerations.

Note:- only the material planning considerations are relevant to this decision.

Material Planning Considerations

- Inappropriate development
- Out of character
- Impact on amenity (loss of light)
- Impact on on-street parking provision
- Poor quality bin storage

Non-material Planning Considerations

- Disruption caused by construction period

The consultation period expired 10 January 2025.

Officer's Analysis

Site Description

The application site is located on the western side of Prospect Place, to the rear of no. 70 Milton.

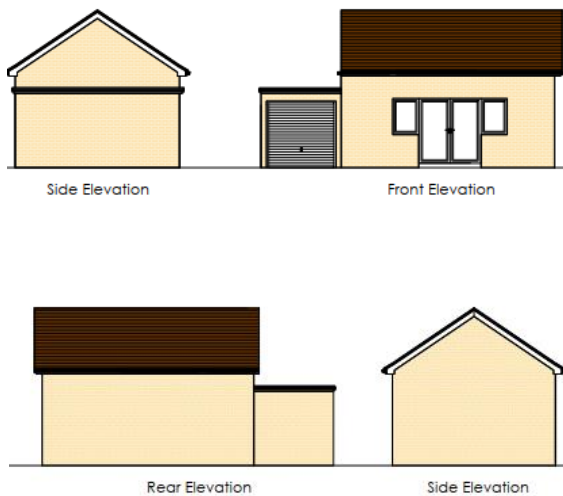


The building has a lawful use as a shop (B1 business), as approved in the 1980 application (ref. 19800184) and an attached domestic garage. The applicant has stated that the existing use of the building is B8 (storage and distribution).

Proposed Development

This application proposes the demolition of attached garage, and extensions to the building to facilitate conversion into 2no. bedsits.

Existing Elevations



Proposed Elevations



The width of the building would be retained at 9.6m (following the demolition of the garage and two storey side extension), and its overall height would be 6.45m (1.3m increase). The roof would have a shallow depth and two pitched roof dormer windows facing east onto Prospect Place. There would be separate entrance doors into the bedsits on either side of the front elevation and ground floor windows directly onto the footway. There would be two flank windows in the northern elevation, which are shown to be obscure glazed.

The bedsits would have open place living spaces containing, living, dining, kitchen and bedroom, with separate shower rooms. There is no private amenity space.

Principle of Development

The principle issues for consideration with this application are as follows:

- Housing Need
- Density of Development
- Design, Character and Appearance
- Amenity of Future Occupiers
- Neighbouring Amenity
- Parking and Highways
- Any Other Material Planning Considerations

Housing Need

In *Hopkins Homes Ltd v Secretary of State for Communities and Local Government* [2017] 1 W.L.R. 1865, Lord Carnwath reemphasised that the National Planning Policy Framework (NPPF) (2024) is only a material consideration in planning decisions and that that planning applications should be determined in accordance with the development plan. Paragraph 12 of the NPPF (2024) expressly states that the starting point for decision-making is the development plan. Lord Carnwath as part of the Supreme Court decision stated,

"It is important, however, in assessing the effect of the Framework, not to overstate the scope of this policy-making role. The Framework itself makes clear that as respects the determination of planning applications (by contrast with plan-making in which it has statutory recognition), it is no more than "guidance" and as such a "material consideration" for the purposes of section 70(2) of the 1990 Act... It cannot, and does not purport to, displace the primacy given by the statute and policy to the

statutory development plan. It must be exercised consistently with, and not so as to displace or distort, the statutory scheme.”

It is a matter of law that all planning applications need to be considered in accordance with the legislation and relevant policy that applies at the point a decision is taken. The Council published a revised 5-year housing land supply statement in March 2023, it demonstrates that based on data up for the period 2022-2027, the Council can only demonstrate a land supply of 2.9 years. More recent data collated on the Borough's housing completions and supply, also indicates that the Borough's housing land supply position continues to be challenging, and that the Council cannot demonstrate a 5-year land supply.

Given the Council's current inability to demonstrate a 5-year housing land supply, 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 NPPF (2024). This requires that in regard to housing development, planning permission should be granted unless:

1. 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
2. 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 (2024) at footnote 7 (rather than those in development plans) relating to any of the following:

- Habitats sites (and those sites listed in paragraph 194) and/or designated as Sites of Special Scientific Interest;
- Land designated as Green Belt, Local Green Space, a National Landscape, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 75);
- 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 129(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 '2' residential units would offer a minimal contribution towards meeting this local need and, accordingly, officers considers that this should be accorded significant weight in support of the application. However, this has to be balanced against other requirements of the Development Plan and NPPF (2024) 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.

Design, Character and Appearance

Policy CS19 (LPCS) states that the design, layout and form of new sustainable development will be derived from a robust analysis of local context and character and will make a positive contribution to the street scene, the quality of the public realm and the character of the area. The NPPF (2024) sets out that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve and add to the overall quality of the area, not just for the short term but over the lifetime of the development. The NPPF (2024) makes it clear that development that is not well designed should be refused, especially where it fails to reflect local design policies (e.g. Local Plan Policy CS19 and the associated Supplementary Planning Document adopted by the Council, Design for Gravesham) and government guidance on design (contained in the National Design Guide and National Model Design

Code).

The quality and character of the built environment is also important in making the Borough an attractive place in which to invest. Therefore, a balance is required between achieving an effective use of a site, whilst ensuring the development is a sustainable, place-led development with people at its heart and one which protects local amenity. At the level of individual sites and buildings, the environmental impact of new development can be minimised by reducing energy in use; minimising external pollution and environmental damage; reducing embodied energy and resource depletion; and minimising internal pollution and damage to health.

In a similar vein, Policy CS14 (LPCS) 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 proposal forms 2x 1 bedroom studio flats and this would therefore be supported by Policy CS14 (LPCS), providing design and character is also acceptable.

Policy CS15 (LPCS) seeks to achieve a minimum density for residential development in the urban area of 40 dwellings per hectare, subject to the overriding consideration that it achieves good design and does not compromise the distinctive character of the area. The application site measures 0.00625 hectares; two dwelling on this site would exceed the density target of 40 at 320 dwellings per hectare, and this would therefore indicate that it would be an overdevelopment of the site. Moreover, the site is not close to the transport hub of Gravesend Town Centre (for example, Gravesend station is approx. 1.3km away), and therefore a higher density would not be sought in this location.

The application site is located within the wider urban boundary of Gravesend, in a residential area that comprises of predominantly two storey terraced properties. As such, the house types in the surrounding area are uniform in character and their plot sizes are typically fairly generous, the properties are set back from the highway with good sized rear gardens.

The lower height of the proposed building and its positioning directly on the footway in open position within the street scene, adds to the prominence for the site. The proposed development would be completely at odds with the character of surrounding properties and the size of surrounding plots, resulting in a cramped and incongruous layout in the context of surrounding properties. While it is acknowledged the existing building has been in place for many years, the business use is a non-residential use and has a different character to the proposed residential building. It is also only single storey currently.

Moreover, there is a lack of space around the dwelling or set back of the property from the site boundaries, with a lack of defensible space. The proposed use of the extended building would be more fitting than a business, but does not make the proposed development here any less out of place, and would emphasise the out of keeping character and add to the unmistakably cramped nature of the site.

Lastly, the design of the proposed dwelling lacks any endearing character and has an incongruous appearance due to the front dormers. The entrance doors are off-set to the sides and the shallow roof and elongated walls create predominant blank façades on all elevations except the front, with a disproportionate appearance. Similarly, the dormers intersecting the eaves add to this imbalance and exacerbate the elongation of the building. Therefore, in design terms the proposed dwelling is considered poor design which is harmful to the character and appearance of the street scene.

Therefore, whilst the proposal may seek to make a more efficient use of the site, and would provide 2 x 1 bed dwellings, this should not be outweighed by the clear development plan objectives that include maintaining and improving the character of the area. The proposed dwelling will sit on a prominent and obviously smaller plot than its surrounding counterparts, and will result in a cramped over-development of the site that would be out of keeping with the character and appearance of the layout of the properties in the immediate area. On this basis, the proposal is considered to be contrary to the requirements of Policies CS15 and CS19 (LPCS), and paragraphs 126, 129, 131 and 135 of the NPPF (2024).

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 Nationally Described Space Standards (NDSS) came into effect on 1 October 2015.

The Nationally Described Space Standards (2015) require a single storey dwelling for one person to have a floor area of 37m². The internal space for the two properties are approx. 37m² and therefore, the proposed bedsits are considered to provide acceptable accommodation for future occupiers in terms of floor area, which also accords with Gravesham's RLG requirement for a bedsit (30m²).

Notwithstanding this, as there is no set back of the property from the footway and site boundaries, the front ground floor windows are likely to feel overlooked. The internal layout provided would indicate that these windows would serve the living and bedroom spaces and the direct overlooking into these habitable rooms would impact on the amenity of future occupiers of the dwelling to the detriment of their privacy and security through the lack of defensible space around the dwelling.

Lastly, the amount of natural light into the dwellings is a concern, particularly the ground floor unit which only has east facing windows. This would create a dark and gloomy living space, with limited levels of natural light and as such would not meet the requirements of the RLG and the quality of the living accommodation provided is limited by virtue of the cramped and constrained site to the detriment of future occupier amenity.

There is a clear conflict with the requirements of the current SPG2 Residential Layout Guidelines (2020), Policy CS19 (LPCS) and paragraph 135f of the NPPF (2024) in respect of the failure to provide a high standard of amenity and living conditions for future occupants of the existing and proposed dwellings on the site.

Neighbouring Amenity

Policy CS19 (LPCS) requires new development to safeguard the amenity, including privacy, daylight and sunlight, of its occupants and those of neighbouring properties and land and the NPPF (2024) requires development to have a high standard of amenity for existing users (In this case surrounding properties).

The proposed building is located approx. 10.1m to the north of adjoining properties on Milton Road and would have no flank windows facing south. Therefore, by virtue of orientation, separation distances and no fenestration the proposal will safeguard the amenity of properties on Milton Road.

Similarly, the neighbouring properties to the north on Prospect Place are approx. 15.7m from the building and the two proposed windows facing northward are to be obscure glazed. Therefore, by virtue of the separation and obscure glazing, these properties amenity will be safeguarded.

The properties to the east on Prospect Place are located approx. 11.9m from the proposed building. The proposed extension would increase the height of the building and introduce habitable windows at first floor level, within the 21m privacy distance as set out in the Gravesham RLG. Therefore, the proposed development would impact on the privacy through direct overlooking into neighbouring residents' habitable rooms contrary to local and national planning policy.

Therefore, the development will not safeguard the amenity of neighbouring properties and the proposal is contrary to Policy CS19 (LPCS) and Section 12 of the NPPF (2024).

Parking and Highways

Gravesham's adopted parking standards (SPG4) (2006) states that a single bedroom dwelling within the urban area should provide one off-street parking space and one secure cycle space. Although the proposal includes a secure cycle store, the development would provide no off-street parking provision contrary to SPG 4 (2006) and there would be a requirement for 2 spaces. There is very limited off-street parking provision in the area, which predominantly consists of terraced properties with a reliance on on-street parking. Therefore, the lack of parking provision reinforces the constrained and cramped nature of the site, that the proposal is overdevelopment and would increase on-street parking pressures within the surrounding area.

Therefore, the proposal is contrary to Gravesham's adopted parking standards SPG4 (2006), as well as Policy CS11 (LPCS).

Any Other Material Planning Considerations

Waste Management and Refuse

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

The plans show that the bin store would be located in the frontage of the new dwelling. There is adequate space to the front of the building to accommodate bins, which would be dragged by occupiers to the edge of the highway on collection days. Therefore, the proposal accords with Policy CS19 (LPCS) and would provide suitable waste and recycling provisions.

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 waterbirds 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 £328.27 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 £328.27.

The applicant has not paid the SAMMS Mitigation Contribution Agreement and therefore fails to meet the requirements of the Habitat Regulations and Section 15 (specifically paragraphs 193 and 194) of the NPPF (2024) and Policy CS12 (LPCS) (2014).

Biodiversity Net Gain

Biodiversity net gain is a way of creating and improving biodiversity by requiring development to have a

positive impact ('net gain') on biodiversity.

In England, biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). This statutory framework is referred to as 'biodiversity net gain' in Planning Practice Guidance to distinguish it from other or more general biodiversity gains.

Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met ("the biodiversity gain condition"). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits.

The proposed development would not affect 25m² of onsite habitat and does not impact an onsite priority habitat and therefore is a de-minimis exception. The land affected has a biodiversity value of zero and mandatory biodiversity net gain is not applicable to sites which have a biodiversity value of zero, and no linear habitats would be affected by the development. Therefore, no additional information is required under Article 7 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.

Conclusion

The application has been fully considered and is contrary to local and national planning policy.

While the proposal may seek to make a more efficient use of the site, and would provide 2 new dwellings, this should not be outweighed by the clear development plan objectives that include maintaining and improving the character of the area. The proposed building will sit on an obviously smaller plot than its surrounding counterparts and would result in a cramped form development of the site that is out of keeping with the character and appearance of the layout of the properties in the immediate area. On this basis, the proposal is considered to be contrary to the requirements of Policies CS15 and CS19 of the Gravesham Local Plan Core Strategy (2014), and paragraphs 126, 129, 131 and 135 of the National Planning Policy Framework (2024).

The proposal is cramped onto the site and fails to safeguard amenity for future occupiers or neighbouring properties by virtue of direct overlooking into habitable rooms through no defensible space and lack of privacy distance. Therefore, by virtue of a lack of privacy the development fails to safeguard the amenity of future or neighbouring occupiers and is contrary to Policy CS19 of the Gravesham Local Plan Core Strategy (2014) and Section 12 of the National Planning Policy Framework (2024).

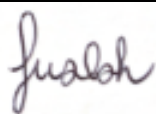
The proposal fails to provide any off-street parking provision for the two new dwellings contrary to Gravesham's adopted parking standards (SPG4) (2006), adding to existing pressure for on-street parking within the immediate area in conflict with Policy CS11 of the Gravesham Local Plan Core Strategy (2014).

Lastly, the development fails to safeguard biodiversity or mitigate harm caused to the Special Protection Areas. Therefore, the development fails to comply with the requirements of the Habitat Regulations and fails to offset biodiversity loss contrary to Section 15 (specifically paragraphs 193 and 194) of the National Planning Policy Framework (2024) and Policy CS12 of the Gravesham Local Plan Core Strategy (2014).

Recommendation

Refusal

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

Case Officer:	Mr Ethan Bonthron	Team Leader:	Mrs Faye Walsh
Signed:		Signed:	
Dated:	4 th February 2025	Dated:	05 February 2025