

Delegated Report

Planning Application

Planning Application No: 20220298

Location: 31 Shrubbery Road Gravesend Kent DA12 1JW

Description: Application, part retrospective, for conversion of former public house to a single-family dwelling with associated access, parking and amenity space, incorporating revised external alterations to those approved under application reference 20191193.

Applicant: Thanh And Binh Duong, NBS Distribution

Site Visit Date: 29 March 2023

Submitted Documents/Plans

Covering Letter;
Application form;
Drawing no. 00 – Site Location and Existing Block Plan with red line;
Drawing no. 02 – Existing Ground Floor Plan;
Drawing no. 03 – Existing First Floor Plan;
Drawing no. 04 – Existing Cellar Plan;
Drawing no. 05 – Existing Elevations;
Drawing no. 06 – Proposed Block Plan;
Drawing no. 07 – Proposed Ground Floor Plan;
Drawing no. 08 – Proposed First Floor Plan;
Drawing no. 09 – Proposed Cellar Plan;
Drawing no. 10 – Proposed Elevations;
Drawing no. 12 – Heritage Context and Visual Impact analysis;
Unnumbered Drawing - Casement Window Section 3;
Unnumbered Drawing - Door Frame Cill Profile;
Unnumbered Drawing - Casement Window Details;
Unnumbered Drawing - Door head and Top Rail;
Unnumbered Drawing - Timber Door Profile;
Unnumbered Drawing - Sash Window Profile;
Unnumbered Drawing - Timber French Doors;
Planning, Design and Access Statement including Appendix PDA 1 - Aerial and Street view photographs;
Heritage Statement including the following appendices:

- Appendix HS1 (i) - Postcard of Millers Cottage dated 1931
- Appendix HS1 (ii) - Photograph 1995 and old images
- Appendix HS1 (iii) - Historical text
- Appendix HS1 (iv) - Licensee List
- Appendix HS2 - HER Map 1
- Appendix HS3 (i) - Heritage Maps 1871-1890
- Appendix HS3 (ii) - Heritage Maps 1897-1900
- Appendix HS3 (iii) - Heritage Maps 1907-1923
- Appendix HS3 (iv) - Heritage Maps 1929-1952
- Drawing no. 10 – Proposed Fencing;
- Drawing no. 09 – Hard and Soft Landscaping and Refuse Storage Plan.

Relevant Planning History

Reference	Description	Decision	Decision Date
20191193	Change of use of the public house to a single family dwelling with associated access parking and amenity space and partial demolition of single storey southern side extension.	Permitted	17.03.2020

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS19 - Development & Design Principles
- CS20 – Heritage and the Historic Environment

Gravesham Local Plan: First Review (1994)

- TC2 – Listed Buildings
- TC3 – Development Affecting Conservation Areas

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.

Other material considerations

Under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended, the Council has a statutory duty in considering whether to grant planning permission for development which affects a listed building or its setting to have special regard to the desirability of preserving the building or its setting or any features of special architect or historic interest which it possesses.

Section 72(1) of the Planning (Listed Buildings and Conservation Areas Act) 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

National Planning Policy Framework (2021)

- 2 – Achieving Sustainable Development
- 12 – Achieving sustainable development and well-designed places
- 16 – Conserving and enhancing the historic environment

Supplementary Planning Guidance

- Windmill Hill Conservation Area Character Appraisal (2007)
- Management Plan Gravesend's 19th Century Suburban Conservation Areas (2009)
- Conservation Areas Maintenance/Replacement Windows and Doors Guidance Supplementary Planning Document (2020)

Consultations, Publicity and Representations

Consultees

GBC Conservation Officer (verbal)

- Windows – storm casements and trickle vents unacceptable, very thin window cills compared to the originals, ground floor openings had an arched opening and the top windows had keystone with a flat gauged arch which have all now been lost;
- Eaves detail – was flush now has a projecting eaves;
- Door – Front door inappropriate, put pub door back;
- Weatherboarding – unacceptable
- Quoins – really poor imitation;
- Shiny flue;
- Need to just go back to the original approval for how it should be.

GBC Highways

With the retention of a garage and driveway there is adequate car parking available so there are no highway objections. I would however suggest that there is a condition restricting the use of the garage workshop as given its size it could be used for commercial purposes that should be assessed before such a use is implemented.

KCC Heritage

I have no comments to make on archaeological matters.

Environment Agency

We have no comments to make on this planning application as it falls outside our remit as a statutory planning consultee.

Neighbouring properties

16 surrounding properties were consulted plus site and press notices – overall consultation expiry date was 13 May 2022 - three comments received all of which object to the proposal the comments of which can be summarised as follows:

Design, Character and Appearance including Heritage

- The overall changes have a negative impact on the conservation area;
- The windows are not appropriate and have lost the glazing of the original windows; they also both used to open, now just one window opens;
- As this property is in a Conservation Area we feel that the proposed white front door is inappropriate and an in keeping wooden door should be reinstated and painted in a suitable colour;
- The current modern uPVC front door with glass squares is completely contrary to the character of the cottage and of surrounding houses and looks ridiculous;
- The timber garage doors which are detailed in the application have already been installed and therefore can only conclude that the applicant still does not understand the planning process; the metal garage door is still behind these front timber doors and does not look in keeping with the property;
- Not noted in any of the documentation is the removal of the pub sign, the keeping of which was included in the original consent - this needs to be re-installed;
- There is a large silver flue which has been installed on the roof which is not shown on the plans, this is an eyesore needs to be changed to match the old ones which were removed;
- The front door still does not reflect any reference to the old cottage and should be revised to a more

sympathetic style;

- The old house had a porch which is shown in all the old photos of the area – even the one supplied. This has been ripped out and should be replaced – the old consent had this included;
- Prefer to see the gravel effect drive up to the garage and the appearance of the front garden softened by sympathetic planting;
- The original plans contained soft planting in the front garden (a hedge around the front boundary) which softened the significant expanse of hard paving in front of the cottage and matched the front gardens of the other houses in Shrubbery road. Currently no planting has taken place, worried the owners may either leave it completely as soil or just sow a lawn which would look completely out of place;
- The original plans retained the lovely Wisteria that grew up the front of the house; this has not been replanted but should be to soften the very sharp (and modern looking) exterior of the house;
- Would prefer to see the project completed in accordance with the original plans and planning permission as granted. Compliance with regulations regarding Conservation Areas is the price residents pay for owning property in such a special part of Gravesend;
- The revised plans constitute a huge divergence from those originally consented to in 2019 and are a significant downgrade on the visual appeal, historic sensitivity, and neighbour privacy of the cottage.
- The cottage makes a net negative contribution to the street scene - a waste of a significant opportunity to add to the conservation area;
- Have lived with this renovation for almost a year, and are very much looking forward to seeing it completed in a timely fashion, and no longer living next to a building site;
- Did not object to the original application as this was more in keeping with the conservation area. This application now seeks to retrospectively change aspects which have been installed but there are still a number of aspects which have not been carried out from the original application;
- Finds the development of the Millers' Cottage a real disappointment. Whilst its recognised significant structural work had to be done, the owners haven't completed the refurb at all sympathetically to the history of the house or the local area; and
- The building just looks odd, like a modern prefab dumped in the middle of a late Georgian/ early Victorian street. Pleads with planning to exercise their muscle to preserve the integrity of the Windmill Hill conservation area for current and future residents and not to give in to those just hoping to make a quick profit.

Neighbouring Amenity

- An additional (third) window has been added to the south-west elevation which causes them overlooking.

Officer's Analysis

Procedural Matters

The agent was e-mailed on 29/03/2023 to advise of the issues with the application and that due to the scale, extent and type of changes that would be needed in order for the proposal to respect the character and appearance of the building and the Conservation Area this would fall outside of the scope of this current application. Before a determination was made the agent was given the opportunity to withdraw the application and advised that if not withdrawn the application would need to be determined as submitted, which would be by way of refusal. The agent responded on 05/04/2023 to state that he would appreciate if the Local Planning Authority (LPA) could withhold from issuing a decision until he has had time to discuss the points raised with the applicant. The case officer responded on 05/04/2023 to advise that the LPA was happy to wait until the next week for him to speak with the applicant but just to remind him that the purpose of the e-mail was to advise that due to the harm to the character and appearance of the building and the Windmill Hill Conservation Area the LPA would not be able to support the application and as such it will be determined by way of refusal but there is the option to withdraw the application. The case officer advised that she will await to hear from the agent by Monday 17 April and following this date a decision will be made, should it not have been confirmed that he would like to withdraw the application by that date. No response was subsequently received from the agent; a determination of the application is therefore being made.

The application site consists of a two storey detached building which is the former Millers Cottage Public House which closed in November 2018. The site is located in Windmill Hill Conservation Area and an Area of Archaeological Potential. The site is also located in close proximity to a number of listed buildings (nos. 9-12, 17-19 and 25-29 Shrubbery Road).

The proposal is for part retrospective for conversion of former public house to a single-family dwelling with associated access, parking and amenity space, incorporating revised external alterations to those approved under application reference 20191193.

The principle considerations in the assessment of the application are:

- Principle;
- Whether the proposal would preserve or enhance the character and appearance of the Windmill Hill Conservation Area and the setting of the nearby listed buildings;
- Impact on Future Occupiers;
- Impact on neighbouring Amenity;
- Parking and Highway Safety.

Principle

The principle of the conversion has been set with planning permission ref. 20220298 which permitted the change of use of the public house to a single family dwelling with associated access parking and amenity space and partial demolition of single storey southern side extension in March 2020. It was considered that although the loss of the pub was regrettable, the applicant had provided convincing evidence that there is no demand to let the existing public house and that it would not be viable to retain the application property as a pub. Furthermore, it was considered there was alternative pub provision available in close proximity at the nearby Windmill Tavern. It was also considered the presence of a public house in a predominantly residential area was not wholly appropriate in either location or character and lastly that in broader terms the conversion of the pub to a dwelling which is in a predominantly residential area would be appropriate and have a modest contribution to the Borough's housing supply. The proposal was therefore considered compliant with Policies CS02, CS08 and CS10 (LPCS) and there have been no changes in policy since this to warrant a different view. As such the proposed change of use from a public house to a dwelling is still considered acceptable and compliant with the aforementioned policies.

Whether the proposal would preserve or enhance the character and appearance of the Windmill Hill Conservation Area and protect the setting of the nearby listed buildings

In application ref. 20220298 the proposal in its amended form was considered to be an enhancement of the Windmill Hill Conservation Area and to not have any adverse impacts on the setting of the nearby listed buildings at nos. 9-12, 17-19 and 25-29 Shrubbery Road. This was considered the case because the proposal included the removal of part of a single storey side extension at the front of the application property, utilised good quality facing materials and replaced the existing modern garage doors on the front elevation with timber. In addition, the site frontage was to be re-surfaced and landscaped.

This current application is now proposing different changes to the building, much of which have been carried out and which are completely unacceptable and have not preserved the character and appearance of this building and the Windmill Hill Conservation Area and have protected the setting of the nearby listed buildings. 'Before' and 'After' images are given below:



2018



2022

The issues are detailed below:

Windows

- The proposed windows which have already been installed, are of thick and chunky proportions and are a crude replacement being no substitute for the previous windows which had much finer and elegant proportions;
- The installed windows are storm casements. The agent had submitted some new window details but they were still casements. Storm casements are unacceptable – flush casements are the

sympathetic method;

- Have a plastic appearance although the agent states they are timber, if so they may have had a coating which is accounting for their plastic appearance.
- The windows have trickle vents which are unacceptable and not an appropriate detail for windows in a Conservation Area property;
- The windows have very thin window cills compared to the originals which were thicker;
- The ground floor window openings had an arched opening and the first floor windows had a flat gauged arch with keystone – this has all been lost. The first floor windows have been increased in height;
- The proposed front window, which has been installed, in the reduced side extension has a hipped roof which appears incongruous and out of keeping with the character and appearance of the building and the Conservation Area.
- It is noted that some amended window details were provided in an e-mail from the agent on 22 May 2022 – although it was stated they would be timber and without trickle vents, they would still be storm opening so would still be unacceptable and also appear of chunkier proportions than the previous windows.

Overall the alterations to the window openings, the loss of the previous windows and the extremely poor replacement windows which have been installed have caused much harm to the character and appearance of this building and the Windmill Hill Conservation Area.

Essentially the previous windows should be replicated – same material (timber) and proportions – slimlite double glazing would be acceptable (glazing system of no more than 12mm thickness).

There should be no hipped roof on the window in the front of the side extension, again this should be as per the window which was in the front of the original side extension and which was as shown in approved application ref. 20191193

Front door

The proposed front door, which has been installed, is completely inappropriate in design and out of keeping with the age and character of this building and the character and appearance of the Windmill Conservation Area causing great harm. The original door opening had an arched opening; this has been lost. The agent has advised that the applicant would replace this unauthorised door and have asked if something like the front door at no. 29 Shrubbery Road would be acceptable. The Conservation Officer has confirmed the door at no. 29 Shrubbery Road is not something to copy and that the door at the application building should be a replica of the main front door to the pub which was removed. Again this would be in respect of material (timber), proportions etc. The top half was glazed, this could be frosted glass for privacy if required. The arched door opening should be reinstated.

Garage doors

The proposed garage doors, which have been installed, have metal garage doors behind them which appears very incongruous.

Pedestrian door to garage & workshop

This proposed door, which has been installed, is extremely out of keeping and incongruous in design terms for a door on the main front elevation of the building. It would need to be a simple timber boarded door as before.

Eaves

Previously the eaves detail was flush, this has been altered and now shows a projecting eaves which again has altered the character of the building (together with the increase in the first floor level windows as mentioned above). The eaves detail would need to be reinstated.

Quoins

The proposed quoins, which have been installed, are an extremely poor imitation of the original quoins which formed part of the character of the building and are harmful to the character of the building and the Conservation Area. The quoins would need to be put back as the originals.

Weatherboarding

The previous timber weatherboarding was featheredge, this has been removed and replaced with shiplap weatherboarding (which appears plastic). It is a very poor substitute to the previous featheredge weatherboarding causing harm to the character and appearance of the building and the Conservation Area. The weatherboarding would need to be put back as it was, i.e., timber featheredge weatherboarding.

Render

Smooth render has been used on the building which previously had a roughcast render, this has completely altered and caused harm to the character and appearance of the building and the Conservation Area. The bright white colour render is also out of keeping. The render would need to be put back as it was, i.e. roughcast render.

Flue

There have been previous flues out of the chimney but a new shiny flue has been installed which is out of keeping with the character and appearance of the building and the Conservation Area.

Pub Sign

The original pub sign, which it is stated on the proposed plans to be retained has been removed, this pub sign formed part of the character of the building.

In summary, the proposed works, many of which have been carried out, have caused harm to the character and appearance of this building and are also considered to have caused harm to setting of the adjacent listed buildings at nos. 9-12, 17-19 and 25-29 Shrubby Road. As such the proposal is contrary to Policies CS19 and CS20 (LPCS), saved Policies TC2 and TC3 (LPFR) and section 16 of the NPPF (2021).

Impact on Future Occupiers

The internal layout is slightly different in this proposal compared to that permitted under application ref. 20191193 but the internal floor area would remain the same as approved – 198 sq.m which would exceed the minimum standard for a four bedroom, eight person, two storey dwelling and the minimum bedroom standards as set out in the National Space Standards (2015). The garden would be the same – some 99 sq. m and between 10.4 and 11.7 depth which was considered to be broadly in line with the requirements of SPG2 in previous application ref. 20191193. Therefore, in respect of future occupiers the proposal is considered to be compliant with Policy CS19 (LPCS).

Impact on Neighbouring Amenity

The difference between this new proposal and the previously approved application in respect of neighbouring amenity is that a new window is proposed at first floor level in the south-west flank elevation. The window has been installed already even though permission has not been given. This window would however, serve an en-suite and so as non-habitable room on which a condition could be attached that it be obscure glazed and non-opening apart from 1.7m above the floor level of the room then it is considered there would be no harmful impact with regards overlooking to the neighbouring property to the south-west no. 29 Shrubby Road.

In respect of neighbouring amenity the proposal is considered compliant with Policy CS19 (LPCS).

Parking and Highway Safety

The parking provision remains the same as approved in previous application ref. 20191193 – there is one parking space proposed in area to the south-west of the building in the frontage and then two further spaces in the attached garage. The three spaces were considered sufficient for a four bedroom house in

accordance with SPG4 (2006) and this remains the case. In respect of parking and highway safety the proposal is therefore considered compliant with saved Policy P3 (LPFR).

Any Other Material Planning Considerations

None.

Conclusion & Recommendation

The proposed alterations, the majority of which have been carried out, are unsympathetic and as such have caused harm to the character and appearance of this building, have not preserved but caused harm to the character and appearance of the Windmill Hill Conservation Area and have caused harm to the setting of the nearby listed buildings at nos. 9-12, 17-19 and 25-29 Shrubbery Road. As such the proposal is contrary to Policies CS19 and CS20 of the Gravesham Local Plan Core Strategy (2014), saved Policies TC2 and TC3 of the Gravesham Local Plan First Review (1994) and section 16 of the National Planning Policy Framework (2021).

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

Case Officer:	Ms Rebecca Harrison	Team Leader:	Miss Faye Hobbs
Signed:	<i>Rebecca Harrison</i>	Signed:	
Dated:	15 May 2023	Dated:	19 May 2023