

Delegated Report

Planning Application

Planning Application No: 20220856

Location: 63 - 64 Milton Road Gravesend Kent DA12 2PJ

Description: Demolition of existing first floor rear extensions and erection of part two storey and single storey rear extension, to convert the property into 6no flats.

Applicant: Mr Usman Pizerva

Site Visit Date: Previous application

Submitted Documents/Plans

- Application form;
- Drawing no. 001 Rev. B – Site Location Plan & Existing Block Plan [Proposed Block Plan Superseded];
- Drawing no. 002 Rev. A – Existing Elevations;
- Drawing no. 003 Rev. A – Existing Floor Plans;
- Drawing no. 004 Rev. C – Proposed Elevations;
- Drawing no. 005 Rev. C – Proposed Floor Plans;
- Drawing no. 006 Rev. C – Proposed Block Plan;
- Planning, Design & Access Statement.

Relevant Planning History

Reference	Description	Decision	Decision Date
20220260	Demolition of existing first floor rear extensions and erection of part two storey and single storey rear extension, to convert the property into 2no 2 bed and 4no studio flats.	Withdrawn	23.06.2022

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS05 – Gravesend Town Centre Opportunity Area
- CS08 – Retail, Leisure and Hierarchy
- CS11 - Transport
- CS12 – Green Infrastructure
- CS14 – Housing Type and Size
- CS15 – Housing Density
- CS18 – Climate Change
- CS19 - Development & Design Principles

Gravesham Local Plan: First Review (1994)

- H5 – Increasing the Housing Stock by the Conversion of Existing Buildings
- P3 – Vehicle Parking Standards
- TC7 - Other Archaeological Sites

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 well designed places
- Section 15 – Conserving and enhancing the natural environment

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 Core Strategy Policy CS02 must be regarded to be out of date, as required by the Paragraph 11(d) of the NPPF. 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 6 (rather than those in development plans) relating to any of the following:

- Habitats sites (and those sites listed in NPPF paragraph 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 (paragraph 123(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 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 (2019) which requires development to add to the overall quality of the area, be visually attractive, sympathetic to local character and create acceptable amenity for future occupiers.

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);
- Householder Extensions/Alterations Design Guide (2021).

Consultations, Publicity and Representations

Consultees

GBC Highways Officer

This is an edge of centre location, so 4 parking spaces for 6 flats are considered acceptable, providing there is secure parking for 6 cycles. However, the parking spaces must have a carriage crossover and until that is provided there is no off street parking as the footway has not been strengthened to accommodate vehicles over running it.

I would recommend that the development cannot be occupied until the carriage crossover has been constructed, to ensure that the car parking presented as forming part of the application is available to the residents.

Kent Fire & Rescue Service

Following my assessment of Fire and Rescue Service emergency access provisions for application number 20220856 I would like to make the following observation.

- Please confirm that due to the reconfiguration of the internal layout of the above premises now only allowing firefighting access to flats 3, 4, 5 and 6 from Prospect Place at the rear, adequate turning facilities are available for the appliance with a minimum radius of 16.8m due to the dead end conditions on that access road.

Alternatively the installation of a domestic sprinkler system in the dwelling will increase the distance of Fire Service access to 75 meters of every point of the footprint of the proposed building measured along the route of the hose.

Applicants should be aware that in the event of planning permission being granted the Fire and Rescue Service would require emergency access, as required under the Building Regulations 2010, to be established.

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

Neighbouring properties

6 surrounding properties were consulted with an overall consultation expiry date of 25 August 2022 – no responses received.

Officer's Analysis

The application site consists of two, three storey plus basement mid-terrace dwellings situated on the northern side of Milton Road. The site is located in an Area of Archaeological Potential and the Thames Estuary and Marshes Ramsar Buffer Zone.

A previous application was submitted in March 2022 (ref. 20220260) which was for 'Demolition of existing first floor rear extensions and erection of part two storey and single storey rear extension, to convert the property into 2no 2 bed and 4no studio flats'. After an assessment the applicant was advised of the following issues with the application:

- The proposed extensions due to their size, bulk and massing were considered overly dominant additions to the property which would be harmful to the character and appearance of the dwelling and the streetscene.
- Four of the proposed flats would be undersized and two of the flats would have bedrooms which would receive very limited natural daylight and sunlight and ventilation.
- By virtue of the depth and height of the extensions it was considered there would be an overbearing impact on the neighbouring properties to the east and west, nos. 62 and 65 which would be harmful to their amenity.
- The SAMMS tariff for the addition of four units on the site had not been paid.

In this new application the proposal has been revised to 'Demolition of existing first floor rear extensions and erection of part two storey and single storey rear extension, to convert the property into 6no flats.' It therefore needs to be assessed whether this re-submission addresses the grounds of refusal of ref. 20220260.

The principal issues for consideration are:

- Principle of Development
- Design, Character and Appearance
- Impact on Future Occupiers
- Impact on Neighbouring Amenity
- Parking/Highways
- Ecology and biodiversity

Principle of Development

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 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.

Both nos. 63 and 64 Milton Road are four bedroom, three storey dwellings plus basement. Due to the size and number of bedrooms it is considered that the properties are not classed as family sized accommodation as they are greater than 2 or 3 bedrooms and as such the proposal is considered compliant with Policy CS14 (LPCS).

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.

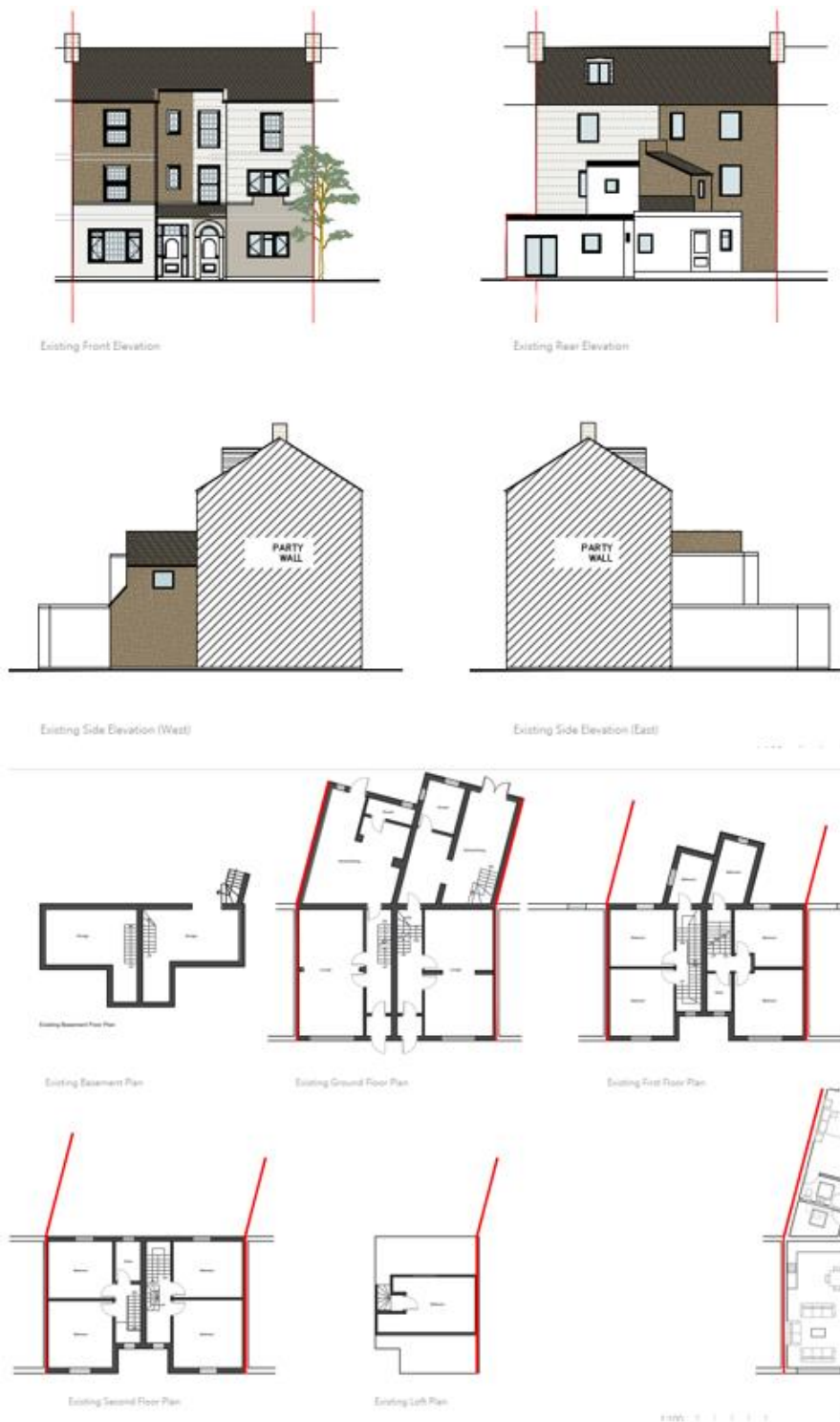
The property is in an area where there are other examples of conversion of properties to flats and multiple occupancy. Within the terrace that the site is located in, planning permission has been granted for conversion to flats at nos. 2, 7, 14, 21, 23, 23, 24, 27.

As such the proposal for conversion of the properties from single dwellings to flats is considered acceptable in principle but the proposal would need to be acceptable with regards all other matters including design, character and appearance, amenity of future occupiers, amenity of neighbouring properties, parking and highway safety, ecology and biodiversity, refuse and any other matters.

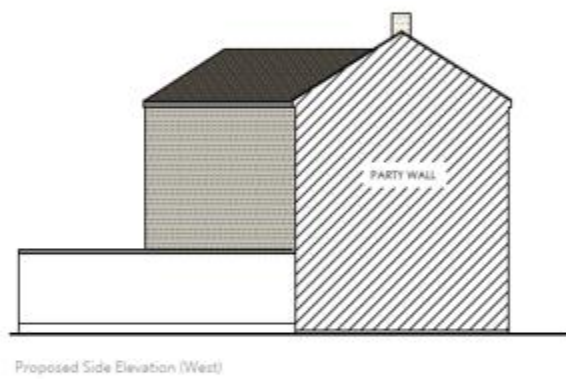
Design, Character and Appearance

This was one of the areas of concern with the previous application ref. 20220260. This was due to the proposal being considered an overdevelopment of the site and due to the size of the extensions proposed which were too large and not subservient to the host dwellings.

The existing dwelling is as follows:

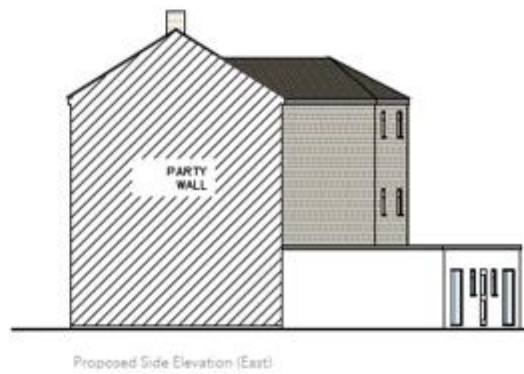
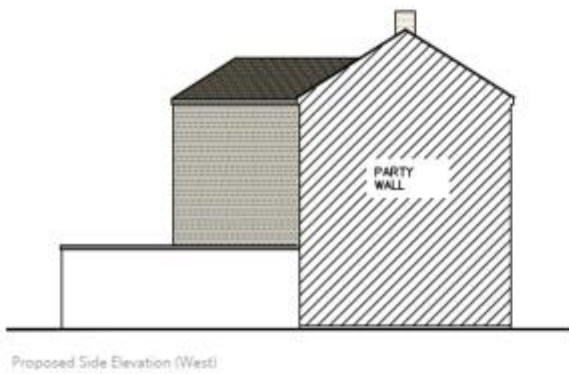


The proposal in the withdrawn application ref. 20220260 was:

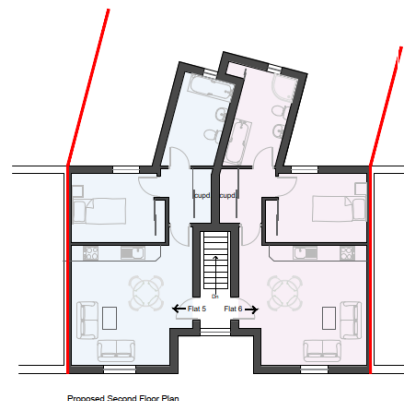
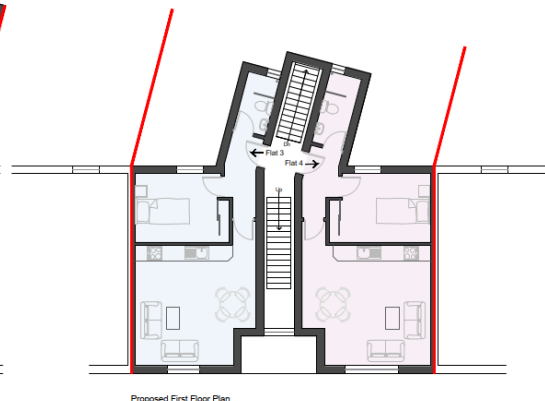
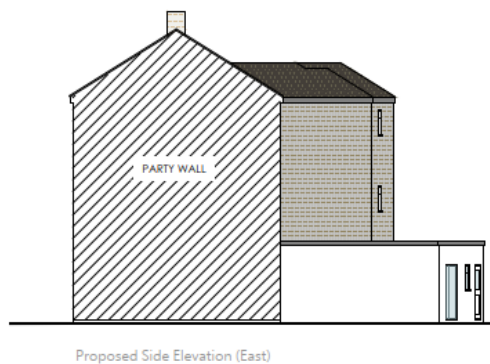
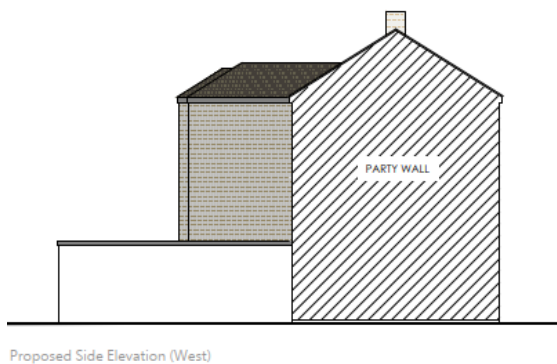


The concerns were that due to their size, bulk and massing the extensions were overly dominant additions to the property which would be harmful to the character and appearance of the dwelling and the streetscene.

The proposed extension as originally submitted in this application was still considered too large and to have a harmful impact on the amenity of neighbouring properties:



In the course of this application the applicant was advised to reduce the scale of the extension further still and to retain a set back between the two extensions in order to break up their bulk and massing. This has been done and the proposed extension is now as follows:



The extension is now much improved in terms of its scale and bulk which would now be in keeping with the host dwelling and subservient to it. The set back between the two extensions helps reduce their bulk and the hipped roofs are sympathetic to the host dwelling. The flat roof at on the single storey element is considered acceptable given it is at single storey level and at the rear. The external facing materials are said to be brick work and render to match the existing. There is a variation in materials across the rear of nos. 63-64 Milton Road (pebble dash & white painted render) therefore, it is considered prudent to condition further details on the materials to ensure the external facing materials would be sympathetic to the building.

Overall therefore on the basis of the revised plans, the proposal is now considered acceptable with regards design, character and appearance.

Amenity of Future Occupiers

This was another area of concern with the previous application ref. 20220260 as four of the proposed flats were undersized and two of the flats had bedrooms which would have received very limited natural daylight and sunlight and ventilation. In this current proposal the number of flats proposed remains as six as per the previous application but they would now all be one bed flats.

In this current application it therefore needs to be seen if these issues are addressed and if there would be sufficient amenity for future occupiers.

Unit, Bedroom & Amenity space

For the 1b2p one storey flats the minimum standard as per the Technical Housing Standard is 50 sq. m

For the 1b1p one storey flats the minimum standard as per the Technical Housing Standard is 39 sq. m where the bathroom has a bath and 37 sq. m where the bathroom has a shower.

Flat 1 (1b2p) = 73.6 sq. m

Flat 2 (1b2p) = 74.3 sq. m

Flat 3 (1b1p with shower) = 37.6 sq. m

Flat 4 (1b1p with shower) = 39.8 sq. m

Flat 5 (1b1p with a bath) = 41.7 sq. m

Flat 6 (1b1p with a bath) = 45.08 sq. m

Bedroom sizes

The Technical Housing Standards state that the minimum size for a double bedroom is 11.5 sq. m and 7.5 sq. m for single bedrooms.

Flat 1 (Double) – 11.9 sq. m

Flat 2 (Double) – 12.1 sq. m

Flat 3 (Single) – 9 sq. m

Flat 4 (Single) – 9.6 sq. m

Flat 5 (Single) – 9 sq. m

Flat 6 (Single) – 9.6 sq. m

As can be seen all flats now exceed the minimum internal floorspace areas as set out in the Technical Housing Standards for the type of bedroom proposed. This issue has therefore been resolved.

Amenity space

The garden area to the rear would be 94 sq. m which will also contain the bin storage and cycle storage which would be accessed by future occupiers from a door in the rear elevation. This area is equivalent to cover the 10 sq. m of amenity space for a flat as set out in SPG2, albeit it would not be private amenity space for each flat. However, given the site's edge of town centre location and close proximity to the Riverside Leisure Area to the north, it is considered future occupiers would have sufficient access to open space.

Light levels

In the previous application ref. 20220260 flat nos. 1 & 2 were inner second bedrooms which were only served by a skylight and so would have received fairly poor levels of daylight and sunlight and natural ventilation. In this application those two flats are now one bedroom flats with the bedroom at the rear of the flat receiving good levels of light from the double doors and window which would serve each bedroom. This issue has therefore been resolved.

Overlooking

There would be a distance of some 33.5 m between the nearest part of the first and second floor levels of proposed extension (and 30m from the nearest part of the ground floor level of the proposed extension) to the nearest part of the rear of the properties to the north in Brunswick Walk, as such no issues with overlooking of future occupiers given this exceeds the minimum 26m privacy distance as set out in SPG2

(2020).

In summary, given that all of the flats would now exceed the minimum internal floor space standard and bedroom sizes and would all receive good light levels, those previous issues have now been resolved. The flats as per the previous proposal would not experience any overlooking. Overall therefore in respect of the amenity of future occupiers the proposal is considered compliant with Policy CS19 (LPCS) and all of the issues concerning the amenity of occupiers in the previous application have been addressed.

Neighbouring Amenity

In the previous application this was an area of concern that due to the size of the extensions proposed in terms of the single storey rear and three storey rear extension particularly by virtue of the depth and height it was considered there would be an overbearing impact on the neighbouring properties to the east and west, nos. 62 and 65 which would be harmful to their amenity.

In this new application there had been a reduction in the size of the extension but it has been reduced further still as a result of amendments made to the proposal following advice from the Local Planning Authority to address both design and neighbour amenity concerns.

The extension as now proposed would have the single storey rear extension ranging in depth from 6.3m on the eastern boundary and 7.8m on the western boundary. The existing extension at no. 64 is 6.3m in depth so no impact there in terms of the neighbouring property to the east, no. 65. The existing extension at no. 63 is 7.3m but at only 500mm greater in depth, it is considered the new extension would not have any greater impact on the occupiers of no. 62 to the west.

The proposed first and second floor levels of the extension would range in depth from 3.6m on the eastern boundary and 4.1m on the western boundary and would be 10.2m in height to the top of the ridge. The extension would be set in from both side boundaries – 3.3m from the eastern boundary and 3.2m from the western boundary. The extension would not exceed the 45 degree line from the centre point of the nearest windows on the rear of nos. 62 and 65 at first and second floor levels on both plan and elevation, therefore denoting there would be no undue overshadowing or loss of outlook. There are no windows proposed in either flank elevation therefore no issues regarding overlooking to either nos. 62 or 65. There is a distance of some 33.5 m between the first and second floor levels of the proposed extension and the rear of the properties to the north, as such no issues with overlooking of those properties.

In respect of neighbour amenity it is considered the proposal would not impact on any neighbouring properties with regards overshadowing, loss of light, loss of outlook or overlooking and in this regard the proposal is compliant with Policy CS19 (LPCS) and all of the issues concerning the amenity of neighbours in the previous application have been addressed.

Parking and Highways

The proposal would result in the conversion of two, four bedroom dwellings to six, one bedroom flats, there would therefore be two less bedrooms overall. As such there is considered to be no requirement for additional parking at the property. The front gardens of both properties are hard paved and used for parking with space for approximately two cars. In respect of parking and highway safety the proposal is therefore considered compliant with saved Policy P3 (LPFR). The Highways Officer comments on the need for their to be a carriage crossover as there is no one currently, this could be conditioned should permission be forthcoming. The officer also states there should be secure parking for 6 cycles (one per flat). Cycle storage is shown in the rear yard – details of this could be secured by condition should permission be forthcoming.

Ecology and Diversity

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 £253.83 per dwelling). This approach is approved by Natural England for all new residential developments.

For every planning application for a new dwelling (including new flats) which does not require any other contributions to be secured through a s106 legal agreement or unilateral undertaking the tariff has been secured through a contribution agreement.

The tariff has been accepted effectively in lieu of an Appropriate Assessment (AA) under the Habitat Regulations and thus avoiding the need to progress into a full AA.

However a more recent Court of Justice European Union (CJEU) ruling means that this approach is now no longer valid and although the mitigation measures (in the form of a tariff payment) will still need to be made the first stage will be a screening assessment as to whether the development either alone or in combination, is likely to have significant effects on a designated site without mitigation. The CJEU sees a distinction between “the plan or project” itself and “measures intended to avoid or reduce the harmful effects of a plan or project on a European site”. This means that mitigation measures, which are intended to avoid or reduce effects, should be assessed within the framework of an AA and cannot be taken into account at the screening stage.

This proposal would result in the net addition of four units and the applicant has paid the required tariff (£275.88 x4 = £1,103.52). The Local Planning Authority can 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 compliant with Paragraphs 180 and 181 of the NPPF 2021 and Policy CS12 (LPCS).

Other Matters

Emergency Vehicle – Further to the comments from Kent Fire & Rescue the agent has shown on the proposed block plan that there would appear to be sufficient turning space for a fire appliance vehicle.

Any Other Material Planning Considerations

Refuse - Bin storage is shown at the rear of the plot, details of appearance etc. could be conditioned should permission be forthcoming.

Archaeology – The site is in an Area of Archaeological Potential however, KCC have advised it is unlikely that the proposal would have a significant below-ground archaeological impact and have no further comments to make. As such it is considered the proposal would have no archaeological impact and in this respect the proposal would be compliant with saved Policy TC7 (LPFR).

Conclusion & Recommendation

The proposal is considered much improved on the previous application and has now addressed all previous concerns regarding design, character and appearance, amenity of future occupiers, neighbouring amenity and ecology and biodiversity. It remains acceptable with regards parking and highway safety. As such subject to conditions the proposal in its revised form is considered compliant with local and national planning policy.

Recommendation: Permission

(For detailed conditions and informatives, see draft Decision)

Case Officer:	Ms Rebecca Harrison	Team Leader:	Richard Hart
Signed:	<i>Rebecca Harrison</i>	Signed:	<i>R Hart</i>
Dated:	09/03/2023	Dated:	9th March 2023