



Delegated Report

Full Planning Application

Application No:	20221259
Location:	122 Marling Way, Gravesend, Kent, DA12 4RE
Description:	Erection of a new dwelling, the consequent external alterations and incidental minor internal ground and first floor alterations to the existing property, and associated external works and car parking provision
Applicant:	Mr and Mrs D. Partridge
Site Visit:	14 th November 2022

Submitted Documents/Plans

- Application Form - 24/11/2022;
- Covering Letter - dated 24/11/2022;
- Supplementary Information - Southern Water Letter (dated 14/07/2022);
- Drawing no. 220920 - 1000 - Location Plan;
- Drawing no. 220920 - 1001 - Rev. A - Existing Site Block Plan;
- Drawing no. 220920 - 1001A - Existing Site Block Plan (Services);
- Drawing no. 220920 - 1010 - Existing Ground Floor Plan;
- Drawing no. 220920 - 1011 - Existing First Floor Plan;
- Drawing no. 220920 - 1020 - Existing Section AA;
- Drawing no. 220920 - 1021 - Existing Section BB;
- Drawing no. 220920 - 1030 - Existing North Elevation;
- Drawing no. 220920 - 1031 - Existing South Elevation;
- Drawing no. 220920 - 1032 - Existing East Elevation;
- Drawing no. 220920 - 1033 - Existing West Elevation;
- Drawing no. 220920 - 1100 - Public Sewer Diversion;
- Drawing no. 220920 - 1101 - Rev. A - Proposed Site Block Plan;
- Drawing no. 220920 - 1101A - Rev. A - Proposed Site Block Plan (Services);
- Drawing no. 220920 - 1110 - Rev. A - Proposed Ground Floor Plan;
- Drawing no. 220920 - 1111 - Rev. A - Proposed First Floor Plan;
- Drawing no. 220920 - 1120 - Rev. A - Proposed Section AA;
- Drawing no. 220920 - 1121 - Proposed Section BB;
- Drawing no. 220920 - 1130 - Proposed North Elevation;
- Drawing no. 220920 - 1131 - Proposed South Elevation;
- Drawing no. 220920 - 1132 - Proposed East Elevation;
- Drawing no. 220920 - 1133 - Proposed West Elevation.

Relevant Planning History

Reference	Description	Decision	Decision Date
20221024	Erection of a new dwelling, the consequent external alterations and incidental minor internal ground floor	REFUSED	17.11.2022

	alterations to the existing property, and associated external works and car parking provision.		
19540471	Composite development of land	PERMITTED	05.06.1957
19540111	Composite development of land	NO OBJECTIONS	05.06.1957

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 - Sustainable Development
- CS02 - Scale & Distribution of Development
- CS11 - Transport
- CS12 - Green Infrastructure
- CS14 - Housing Type and Style
- 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 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)
- Householder Extensions/Alterations Design Guide (2021)

Other Supplementary Planning Guidance

- Department for Transport - Manual for Streets (2007)
- Kent County Council - Vehicle Crossing Guidance: Self-Assessment (2022)

Consultations, Publicity and Representations

Consultees

GBC - Highways Officer - The issues raised on the previous application have been resolved (20221024).

The side access is not adopted highway and is single tracked which will be lightly trafficked with low speeds and in part mimics the access to 111 Frobisher Way. There is no recent accident/crash record in the immediate vicinity.

I have no objections.

Local Ward Councillors - No comment received.

Neighbouring properties

Seven surrounding properties were consulted and no representations were received. The consultation period expired 19th December 2022.

Preliminary Matters

This application follows a similar application (ref. 20221024), which was refused by the Local Planning Authority. The application proposed the *'erection of a new dwelling, the consequent external alterations and incidental minor internal ground floor alterations to the existing property, and associated external works and car parking provision'*, and was refused for the following reasons:

1. *The proposed 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. Therefore the development is harmful to, and erodes the openness of the street scene, 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 proposal represents overdevelopment of the site and fails to safeguard the amenity of occupiers by providing undersized, cramped and poor quality accommodation that future residents could expect to enjoy, and substantially reducing the garden area of the host dwelling. The new dwelling and alterations to the existing property fail to comply with recommendations in the Nationally Described Space Standards (2015) and Gravesham's Residential Layout Guidelines (2020), and is therefore contrary to Policy CS19 of Gravesham's Local Plan Core Strategy (2014) and Section 12 of the National Planning Policy Framework (2021).*
3. *The proposed driveway is undersized by virtue of the inward opening gates, represents a risk to pedestrian safety and increases the potential for vehicular collisions by providing substandard visibility splays and the cycle store is an inappropriate under provision located internally, under the stairs. Therefore, the proposal is contrary to Policies CS11 of Gravesham's Local Plan Core Strategy (2014), saved policy P3 (LPFR), SPG 4: Gravesham's adopted parking standards (2006), Department for Transport's Manual for Streets (2007), Kent County Council vehicle crossing guidance (2022), as well as 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 receive a favourable decision, this application must be considered to overcome the reasons for

refusal attached to the previous application.

Officer's Analysis

Site Description

122 Marling Way is a two storey end of terrace property, located on the eastern side of the highway. The property forms part of a terrace of four properties, in a section of Marling Way which is characterised by other small terraces. The property benefits from a large side garden, bordered by a high mature hedgerow, with a garage at the rear.



The garage is accessed by a shared driveway that serves multiple other properties garages to the rear and leads out onto another street, Frobisher Way.

Proposed Development

This application proposes the erection of an attached two storey, two bedroom dwelling in the side garden of 122 Marling Way. The proposed dwelling will have a footprint of 45m² and has associated parking. The garden will be subdivided with the host property (no.122 Marling Way) retaining approximately half of the original rear garden area (66.6m² - 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 Marling Way. The new dwelling will be constructed using materials that match the existing properties within the terrace. There will be a small canopy porch at the front.

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

Front Elevations (existing and proposed)



Rear Elevations (existing and proposed)



It will have an internal floor area of 70.3m² and will have the following dimensions:

- Depth - 7.62m
- Width - 5.68m
- Height (max) - 7.4m
- Height (eave) - 5.12m

The proposed dwelling will have a living room, kitchen/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
Living/Diner	18m ²
Kitchen	7.25m ²
WC	1.35m ²
Bedroom 1	13.85m ²
Bedroom 2	11.5m ²
Bathroom	4.1m ²
Garden	46m ²

Changes from previous application

There are no external changes to the proposed dwelling as part of this application. However, the internal layout of both the proposed and existing properties have been altered, with the study removed and only two bedrooms. In addition, the proposed parking arrangement for the new dwelling has been altered with the gates removed. These changes will be assessed in full in later sections of this report.

Housing Need

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:

- 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
- 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)
- 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 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.

Density of the Development

Development on this site should meet the requirements of Policy CS14 (LPCS), where the Council expects new housing development to provide a range of dwelling types and sizes, taking into account the existing character of the area. Policy CS15 (LPCS) requires that all new housing will be developed at a density, which is consistent with achieving good design and does not compromise the distinctive character of the area in which it is situated. These policies will be considered and assessed against the proposal later in this report.

Principle of the Development

The site is defined on the Policies Map of the Gravesham Local Plan Core Strategy (the Core Strategy) as lying within the urban area. Policy CS02 of the Core Strategy prioritises development in the urban area as a sustainable location for development. As such, there is no objection to the broad principle of residential development within this location subject to it meeting the detailed requirements of government and development plan policy.

The principle considerations in the assessment of this application are:

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

Design, Character and Appearance

Policy CS19 (Development and Design Principles) (LPCS) states that new development will be visually attractive, fit for purpose and locally distinctive. It also seeks to conserve and enhance the character of the local built, historic and natural environment and integrate well with the surrounding local area, whilst ensuring that the design, layout and form of new development will be derived from a robust analysis of local context and character and make a positive contribution to the street scene, the quality of the public realm and the character of the area.

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 to 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 garden within the street scene. These planned 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. Therefore, the proposal could be considered inappropriate development on a corner plot which disrupts an established building line and pattern of development within the street scene, which is a characteristic of the surrounding estate.

However, the application site is positioned on the corner of a narrow vehicular access and not a corner plot of a road, which is considered to reduce its prevalence and importance to the pre-planned character of the estate. The openness around the access road has been somewhat eroded by the two storey side extension on the neighbouring property, no.120 Marling Way. The side extension was permitted in 1967, and encloses the access somewhat, but is substantially smaller than the proposed new dwelling and set-in further from the boundary. Moreover, the supporting documents have provided significantly more context assessing the wider area of Riverview park, highlighting other side extensions permitted by the Council some of which are large and encroach on more prevalent open spaces on roads and are material considerations.

Even though the proposed dwelling would encroach onto an established and planned area of open garden within the street scene, the extent of the harm must be assessed on balance. The development would enclose the vehicular access alley, however this space is already encroached upon by the extension to the neighbour and its contribution to the quality of the street scene is considered to be significantly below that of an open space on a road. Therefore, on balance and with additional justification, the proposed new dwelling would not have a detrimental impact on the street scene by virtue of extending the building line and encroaching onto the alley when considering the wider context and other developments within the estate in more prominent positions. As such, the development is in accordance with Policy CS19 (Development and Design Principles) (LPCS) and Section 12 (Achieving Well-Designed Places) of NPPF (2021).

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) sets out minimum gross floor areas for a two storey, three bedroom dwelling. These figures vary depending on the number of persons occupying the dwelling. In this case the plans demonstrate two bedrooms.

Bedroom(s) /Person(s)	National Housing Standard Guidance	Unit Floor space
2 (3 person)	70m ²	70.3m ²

The table above demonstrates that the dwelling will comply with the minimum floor space for a two bedroom, three person property. 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	18m ²	18m ²
Kitchen	7.2m ²	7.25m ²
WC	1.3m ²	1.35m ²
Double Bedroom	11.5m ²	13.85m ²
Bathroom & WC	3.6m ²	11.5m ²
		4.1m ²

Table 2 has been colour coded and demonstrates that all rooms within the proposed dwelling meet the requirements of the RLG and that the new dwelling will provide an acceptable internal living environment for future occupiers.

In terms of amenity space, the proposed dwelling will have a garden area of 46m² and a maximum depth of 9.85m. The RLG states that the garden area for a two bedroom dwelling should have a minimum area of 37.2m² and a minimum depth of 7.6m and therefore the amenity space provided is in accordance with the RLG.

Furthermore, as part of this development the internal layout of no.122 Marling Way will be altered. At ground floor the layout will be changed to mirror the new dwelling, with the exception of the wc at ground floor. There first floor will be altered to be two double bedrooms. All rooms within no.122 Marling Way accord with the RLG and the garden area exceeds the minimum requirement.

Overall, the development safeguards the amenity of occupiers by providing acceptable living conditions that comply with local and national residential layout guidance. Therefore, the new dwelling and alterations to the existing property are in accordance with Policy CS19 (LPCS) and Section 12 of the NPPF (2021).

Neighbouring Amenity

Policy CS19 (LPCS) seeks to protect amenity and ensure acceptable future living conditions. Section 16 of the NPPF (2021) also assists and seeks to ensure developments will function well, do not undermine quality of life and create attractive and comfortable places to live, work and visit and seeks to "secure high-quality design and a good standard of amenity for all existing and future occupants of land and buildings".

The new dwelling will not extend beyond either the front or rear elevations of the host dwelling and will not cause any issues with overshadowing. The windows on the new dwelling exceed the privacy distances within the RLG and the development is not considered to cause any issues with overlooking. Lastly, the new dwelling will not impact on the outlook or result in a sense of enclosure for any neighbouring properties.

No representations were received from neighbouring properties.

Overall, the proposal is considered to safeguard the amenity of neighbouring properties in accordance with Policy CS19 (LPCS) and Section 12 NPPF (2021).

Parking and Highways

Gravesham's adopted parking standards (SPG 4) (2006) require a new dwelling to provide off-street parking and seeks to ensure that one parking space is provided for a two bedroom property. The application proposes a driveway and off-street parking space for one vehicle within the front garden area. The parking space would be parallel to the property and the highway, due to insufficient depth to park perpendicular to the highway.

The proposal has removed the gates and has addressed the concerns from the previous application. Gravesham's Highways Officer has raised no objections, stating that the access mimics other driveways within the area. Given that the side access is not an adopted highway and is single tracked, there is unlikely to be significant traffic movement and therefore the proposal is acceptable in highway terms. In addition, the driveway will be constructed using pcc paving, which is a permeable surface and would provide adequate drainage.

Overall, the proposal is considered to have addressed issues relating to the driveway and highways, and is therefore in accordance with Policy CS11 (Transport), saved Policy P3 of Gravesham's Local Plan First Review (LPFR) (1994), SPG 4 Vehicle Parking Standards (SPG4) (2006), Department for Transport's Manual for Streets (2007) and Kent County Council vehicle crossing guidance (2022).

Any Other Material Planning Considerations

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

The plans demonstrate the bin store to be located in the front garden of the property, with sufficient space to accommodate refuse, recycling and food waste. The bins would then be moved onto the footway on collection days, which is the same strategy used by other properties in the surrounding area. Therefore, the proposal is considered to provide an acceptable waste provision and refuse strategy in accordance 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 £275.88 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 £275.88 per new dwelling unit.

The applicant has paid the SAMMS Mitigation Contribution Agreement tariff and therefore complies with the requirements of the Habitat Regulations, as well as Section 15 (specifically paragraphs 180 and 181) of the NPPF (2021) and Policy CS12 (LPCS).

Conclusion and Balancing Exercise

The application has been fully considered and is in accordance with local and national planning policy.

The new dwelling will encroach on the open garden around the vehicular access road, however this area of open garden is not considered to add much quality to the street scene and is already eroded by the extension to the neighbouring property. Whilst the neighbours extension is substantially smaller than the proposed dwelling, this does serve to limit the prominence of the pre-planned openness on the alley and disrupt the established building line. Therefore, the development is considered to be acceptable in terms of design when taking into account with wider context and other developments on more prominent corners within the surrounding estate. As such, ground of refusal 1 is no longer relevant.

The internal alterations to the new dwelling and existing property have addressed concerns for future occupier amenity, and both properties accord with local and national residential layout guidelines. As such, the proposal will safeguard amenity and ground of refusal 2 is no longer relevant.

The changes to the driveway and removal of the gates have addressed concerns and is now in accordance with highway guidance. As such, ground of refusal 3 is no longer relevant.

Lastly, the mitigation payment tariff has been made towards SAMMS and the Ramsar site, which makes ground of refusal 4 no longer relevant.

Overall, the proposal has overcome the reasons for refusal attached to the previous application and is in accordance with local and national planning policy. Therefore, it is recommended that planning permission is granted.

Recommendation

Permission

(For detailed conditions and informatives, see draft Decision)

Case Officer:	Mr Ethan Bonthron	Team Leader:	Miss Faye Hobbs
Signed:		Signed:	
Dated:	20 th January 2023	Dated:	20 January 2023