

Delegated Report

Planning Application

Planning Application No: 20241030

Location: Darnley Arms 9 Trafalgar Road Gravesend Kent

Description: Conversion and change of use of public house with accommodation over to 12 x 1 bed HMO including erection of new mansard roof and rear extension to create new entrance and stairwell.

Applicant: Mr Ronnie Cheema

Site Visit Date: 30 January 2025

Submitted Documents/Plans

- Application form;
- Drawing no. 101 – Site Location Plan;
- Drawing no. 102 – Block Plans As Existing & As Proposed;
- Drawing no. 103 – Floor Plans As Existing;
- Drawing no. 104 – Elevations As Existing;
- Drawing no. 105 – Floor Plans As Proposed; and
- Drawing no. 106 – Elevations As Proposed.

Relevant Planning History

Reference	Description	Decision	Decision Date
20240196	Application for a non-material amendment to planning permission reference number 20230595 to allow staircase from ground floor to basement reinstated and new door inserted into side elevation (to Clifton Grove).	Permitted	12.04.2024
20230595	Conversion and change of use of public house with accommodation over to provide 2 residential units comprising two 2 bedroom flats.	Permitted	31.07.2023
19850503	Erection of single storey extension at the rear to form toilet accommodation lobby and enlarged kitchen including the insertion of a doorway in the east flank elevation and the insertion of a bathroom window at first floor level in the rear elevation	Permitted	07.08.1985
19850253	Erection of single storey extension at the rear to form toilet accommodation lobby and enlarged kitchen	Permitted	29.05.1985

Development Plan

Gravesham Local Plan Core Strategy (2014)

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS10 – Physical and Social Infrastructure

- 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
- T1 – Impact of Development on the Highway Network

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 8 – Promoting healthy and safe communities
- Section 9 – Promoting sustainable transport
- Section 12 – Achieving sustainable development and well-designed places
- 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)

Other

- GBC Guidance for HMO Amenity Standards' (2023)

Consultations, Publicity and Representations

Consultees

GBC Private Housing

Room 11 does not achieve the required 6.51m² for single occupation. We recommend the room achieves the required size to prevent any future challenges under current legislation.

In relation to fire safety, confirmation that the travel distance from Room 10 and Room 11 to the final exit point does not exceed 18m, which may be deemed excessive.

Confirmation is required that the ensembles are not classed as habitable space. The layout of some of the Rooms does not appear to allow for sufficient space for basic bedroom furniture provision.

Where the HMO is the applicants preferred option, the team welcomes a conversation or site visit to the premises to discuss licencing requirements, as well as Room 11.

Until clarification is provided, we are unable to determine occupancy numbers.

In addition, we welcome and support suitable site redevelopment, and for the premises to be brought into residential use within our capacity as the Empty Homes service function.

Kent Highways

The parking standards for such a town centre / edge of centre location, both in SPG4 (GBC standard) and IGN3 (KCC Standard), are a **maximum** of one space per unit, so it would not be appropriate to raise an objection of parking grounds. I note that this area is covered almost entirely by a Residents Parking Permit scheme so provided the Parking Manager agrees that permits would not be issued to any residents of this building that it wouldn't exacerbate any existing parking problems. Alternative it could be designated with "car free" rental agreements but not such that can be conditioned in a planning consent.

Overall, can't see there is an issue as parking is already well controlled and won't apply to this proposal if the Parking Manager agrees.

Kent Police

1. Perimeter, boundary and divisional treatments must be a minimum of 1.8m high. Any alleyways must have secure side gates, which are lockable from both sides, located flush to the front building line.

2. We advise against the use of parking courts as they can create an opportunity for crime.

Where unavoidable, the areas must be covered by natural surveillance from an "active" window e.g. lounge or kitchen and sufficient lighting – the same recommendations apply to on plot parking bays. In addition, we request appropriate signage for visitor bays to avoid conflict and misuse.

3. New trees should help protect and enhance security without reducing the opportunity for surveillance or the effectiveness of lighting. Tall slender trees with a crown of above 2m rather than low crowned species are more suitable than "round shaped" trees with a low crown. New trees should not be planted within parking areas or too close to street lighting. Any hedges should be no higher than 1m, so that they do not obscure vulnerable areas.

4. Lighting. Please note, whilst we are not qualified lighting engineers, any lighting plan should be approved by a professional lighting engineer (e.g. a Member of the ILP), particularly where a lighting condition is imposed, to help avoid conflict and light pollution. Bollard lighting should be avoided, SBD Homes 2019 states:

"18.3 Bollard lighting is purely for wayfinding and can be easily obscured. It does not project sufficient light at the right height making it difficult to recognise facial features and as a result causes an increase in the fear of crime. It should be avoided." Lighting of all roads including main, side roads, cul de sacs and car parking areas should be to BS5489-1:2020 in accordance with SBD and the British Parking Association (BPA) Park Mark Safer Parking Scheme specifications and standards.

5. All external doorsets (a doorset is the door, fabrication, hinges, frame, installation and locks) including folding, sliding or patio doors to meet PAS 24: 2022 UKAS certified standard, STS 201 or LPS 2081 Security Rating B+. Please Note, PAS 24: 2012 tested for ADQ (Building Regs) has been superseded and is not suitable for this development.

6. Windows on the ground floor or potentially vulnerable e.g. from flat roofs or balconies to meet PAS 24: 2022 UKAS certified standard, STS 204 Issue 6:2016, LPS 1175 Issue 8:2018 Security Rating 1/A1, STS 202 Issue 7:2016 Burglary Rating 1 or LPS 2081 Issue 1.1:2016 Security Rating A. Glazing to be laminated. Toughened glass alone is not suitable for security purposes.

7. Bedroom windows on the ground floor require a defensive treatment to deflect loitering, especially second bedrooms often used by children.

8. We recommend "A GUIDE FOR SELECTING FLAT ENTRANCE DOORSETS 2019" for buildings featuring multiple units, any covered access must deflect loitering that can stop residents and their visitors from using it without fearing crime. Entrance doors must be lit and designed to provide no hiding place.

9. For the main communal doors audio/visual door entry systems are required. We strongly advise against

trade buttons and timed-release mechanisms, as they permit unlawful access and have previously resulted in issues with Crime and ASB.

10. Cycle and Bin Stores must be well lit and lockable, with controlled access for the residents within the flats.

11. Mail delivery to meet SBD TS009 are strongly recommended for buildings with multiple occupants along with a freestanding post box of SBD/Sold Secure approved Gold standard. If mail is to be delivered within the lobby, there must be an access controlled door leading from the lobby to the apartments/ stairs on the ground floor to prevent access to all areas.

12. CCTV is advised for all communal entry points and to cover the mail delivery area.

Neighbouring properties

47 surrounding properties were consulted plus site notice – 12 responses received (objections) the comments of which can be summarised as follows:

Use

- Profiteering off a space that isn't fit for purpose;
- Maximise rental income that will not benefit the wider public and surrounding neighbours;
- HMO with the likely associated anti-social behaviour would be harmful for the general area;
- Not a suitable area for an HMO;
- The Darnley Arms is a historic pub, it was a thriving community hub before Covid and could become again under sympathetic ownership;
- Local area needs pubs and community spaces far more urgently than it needs another cheap, rushed conversion of a historic building into cramped and poor quality housing;

Occupier Amenity

- HMO rooms are very, very small
- *Neighbouring Amenity*
- An HMO would add further noise and disturbance in the road;
- Increase safety concerns for residents;
- Gravesend town is already a limited and crowded area, an HMO is not needed for the community and would have a detrimental impact on residents of Trafalgar Road and surrounding area;

Traffic

- No parking provision;
- Will worsen existing parking problems in the street;
- Residents and visitors struggle to get a parking space now and have to park far away, 12 bed HMO will mean lots more cars; and

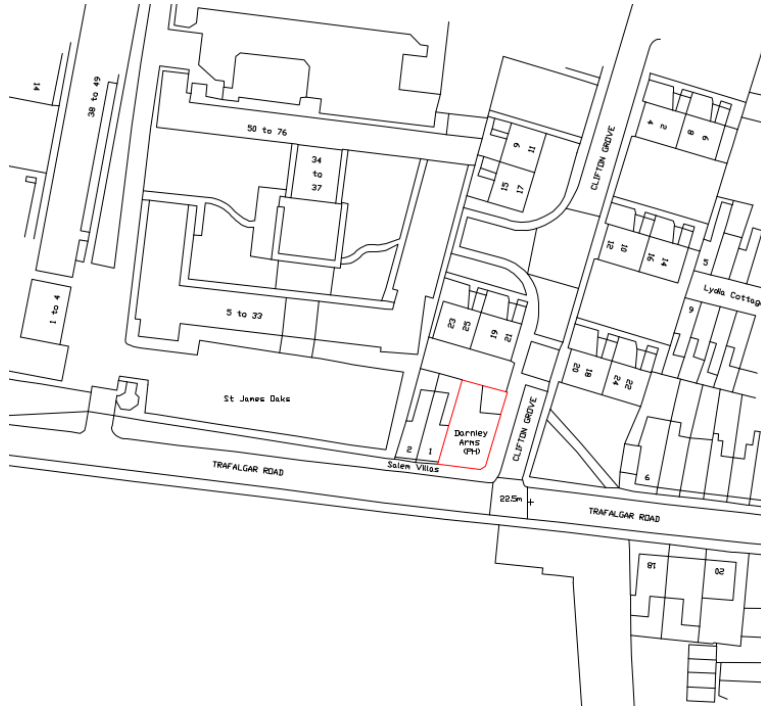
Non-material planning considerations

- Noise and disruption from construction vehicles.

The overall consultation period expired on 20th December 2024.

Officer's Analysis

The Darnley Arms, 9 Trafalgar Road, consists of a two storey Victorian building comprising of a public house at ground floor with residential accommodation above. The pub is currently vacant, it is stated in the Planning Statement that the business closed down in 2021 as it was no longer economically viable. The site is located at the junction of Trafalgar Road with Clifton Grove. It is shown outlined in red in the extract from the site location below:



The building is two storeys in height, has a splayed corner where the main entrance door to the pub is located and has a bar area, kitchen, ladies and gents toilets at ground floor level and three bedrooms, a bathroom and a store at first floor level. There is a yard area to the rear behind a boundary wall fronting Clifton Grove which has a garage door and a single door in it. The building has plastic casement windows and is faced with white painted render.

To the west of the site is a pair of two storey dwellings, 1 & 2 Salam Villas. To the east is a small grassed area with a pathway and beyond this are two two storey terraced dwellings. To the south is the Bat & Ball Cricket Ground and to the north are two storey blocks of flats in Clifton Grove. The Darnley Arms and surroundings are shown in the below images:



View west down Trafalgar Road



View north-west showing access through to Clifton Grove also



View east up Trafalgar Road

The proposal is for change of use of public house with accommodation above to a 12 x 1 bed HMO including erection of new mansard roof and rear extension which would be at basement, ground, first and second floor levels and also having the mansard roof over it.

There would be an entrance on Clifton Grove into the building. At ground floor there would be room 1, room 2, dining room and kitchen with yard at rear for refuse storage and amenity space. At first floor there would be rooms, 3, 4, 5, 6, 7 & 8 and in the new second floor level there would be rooms 9, 10, 11 and 12. The basement would be used as a storage area.

The principle considerations in the assessment of the proposal are:

- Principle of the Development

- Design, Character and Appearance
- Amenity of Future Occupiers
- Neighbouring Amenity
- Parking and Highway Safety
- Ecology & Biodiversity
- Other

Principle of the Development

Policy CS02 (LPCS) prioritises development in the urban area as a sustainable location for development. It seeks to achieve this by: *Promoting regeneration by prioritising the redevelopment and recycling of underused, derelict and previously developed land in the urban area.*

The NPPF (2024) is explicit that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses.

In this case the proposal would meet these requirements as the building is located in the urban area close to the town centre and would involve the conversion and re-use of an existing building.

Saved Policy H5 (LPFR) states that the conversion of existing properties to provide flats, maisonettes, bedsitters, hostels, homes and other forms of multiple occupancy will be supported provided that, amongst other things, the property is in an area suitable for such conversion. In Trafalgar Road there is a mixture of single-family dwellings and flats. Planning permission has been granted for conversion of the building from a pub with accommodation over to two flats under application ref. 20230595. The building is therefore considered in an appropriate area for an HMO as it is in a predominantly residential area and there are a mixture of both houses and flats in the area.

This proposal would result in the loss of an existing public house use. The loss of the public house has been established with the granting of planning permission ref. 20230595 and there has been no policy change since that time to mean that the change of use of the pub would not still be acceptable. The analysis is as follows.

No planning statement has been submitted with this application but the planning statement submitted with application ref. 20230595 stated that the pub operated until c. 2020 due to covid and closed in 2021 due to it no longer being a visible business.

Paragraph 98 of the NPPF (2024) requires planning policies and decisions to plan positively for the provision of community facilities and to guard against the loss of valued services, particularly where this would reduce the community's ability to meet its day-to-day needs. At a local level Policy CS10 (LPCS) states that support will be given to proposals and activities that protect, retain or enhance existing social infrastructure, or lead to the provision of additional infrastructure which improves community well-being. The policy also states that where there is the threat of loss of existing infrastructure, consideration will be given to viability and whether sufficient alternative provision is available.

There are no policies in the adopted Local Plan that specifically refer to the retention of public houses or community assets. However emerging Proposed Policy RE 5 (Retention of Public Houses) of the Regulation 18 (Stage 2) Development Management Policies Document (2020) states:

5.5.7. Planning permission will only be granted for development which results in the loss of an existing public house where:

- *It has been demonstrated through the submission of evidence that the public house is no longer economically viable or capable of being made economically viable at a reasonable cost; and*
- *The public house has been the subject of continuous effective marketing for a minimum period of 12 months in a lettable condition on reasonable terms, with no reasonable offer refused.*

5.5.8. In considering the acceptability or otherwise of a proposal which would result in the loss of a public house, the Council will also have regard to:

- *The role the public house plays in the provision of space for community groups to meet and whether the loss of such space would contribute toward a shortfall in local provision*
- *The design, character and heritage value of the public house and the significance of the contribution it makes to the streetscape, local distinctiveness and the historic environment of its location; and*
- *The ability and appropriateness of the building and site to accommodate an alternative use or uses without the need for demolition or alterations that may detract from the character and appearance of the building*
- *The appropriateness of the proposed alternative use in relation to the location of the site and neighbouring uses, together with the adequacy of parking and delivery arrangements to support the proposed use and potential impact on highway safety; and*
- *Whether or not the proposal provides an alternative community service or function*

No evidence or marketing had been submitted with the application to demonstrate that the public house was no longer economically viable. However, given RE 5 is only an emerging policy and not yet adopted it carries limited weight. There are therefore no policies in the adopted development plan which specifically restrict the proposed alternative use of the building as residential use. Although ideally it would be useful to have had evidence that the public house was no longer economically viable along with the marketing evidence, there is no policy requirement for such an exercise.

In respect of the other criteria in emerging policy RE 5, it was not known whether the public house provided a place for community groups to meet as no information had been submitted in this respect but it could have provided a place for community groups to meet. This proposal would involve a new mansard roof and rear extension to the building which is discussed below in the design, character and appearance section. The site is in a residential area where there are a mixture of flats and houses and the proposed use of the building as an HMO is therefore compatible with the surrounding area. The proposal would not result in an alternative community use. Matters relating to parking and highways safety will be looked at in the relevant section below.

On balance, whilst the proposal would result in the loss of a public house use there are no adopted policies in the development plan which specifically resists this loss or protects the public houses in an area. Although ideally it would have been useful to explore the potential marketability of the premises for continuing commercial use as a public house in the previous application, there is no policy requirement for such an exercise. There are several other drinking establishments within close proximity, approximately at least 9 other pubs or bars within 1 mile from the Darnley Arms, 9 Trafalgar Road. The site is located in the urban area in a highly sustainable location in respect of its location and being that it is for the re-use of an existing building. It would consist of a residential use which would be compatible with the surrounding area which is predominantly residential with a mixture of flats and houses. The proposal would result in the net addition of 11 residential units which would provide a small contribution to the Borough's housing supply and accordingly weighs in support of the application. Taking into account all matters, it is still considered the conversion of the public house to residential use in the form of a 12 bed HMO would, on balance, be acceptable in terms of the principle of development. In respect of principle, the proposal is therefore considered compliant with Policy CS02 and CS10 (LPCS) and saved Policy H5 (LPFR).

Design, Character and Appearance

The proposal involves a new mansard roof and a rear extension which would be at basement, ground, first and second floor levels and also would have the mansard roof over it. The existing and proposed plans are as follows:

Existing



Proposed



The application building is a Victorian public house on the northern side of Trafalgar Road. It was constructed in 1851 and is two storeys with basement with white rendered wall with a tiled roof. It has a pitched roof and has simple elevations with an angled corner where the door to the public house is located. There are a number of windows which at first floor level were originally sliding sashes but are now casements; at ground floor there are casements which were originally fixed panes of glass.

Next to the Darnley Arms to the west are a pair of late 19th century dwellings which have a pitched roof and are of a lower height than the public house. To the east is a grassed area beyond which is a row of 19th century dwellings with pitched roofs to a similar height to the dwellings to the west of the Darnley Arms. The flat buildings to the north set back beyond the grassed area in Clifton Grove are also of two storey height with pitched roofs of similar height to the other dwellings. The Darnley Arms as existing is already of greater height than the residential buildings surrounding it which are all of a similar height and all have pitched roofs.

The proposal is for erection of a mansard roof extension over the building including a rear extension at

basement, ground, first and second floor levels. The mansard roof which would be over the proposed rear extension also would have a large flat roof area with the 'walls' of the mansard containing a number of rooflights. The 'walls' would be faced with blue/black marley eternit tiles and the walls of the rear extension would be faced with a painted render finish to match the existing.

The provision of the mansard roof extension would create an additional floor to the Darnley Arms but in doing so these works would result in the loss of the pitched roof. The pitched roof is a characteristic historic roof form, its roof and the elegant form and proportions of the building are an important aspect of its character and appearance.

The proposed mansard roof design is inappropriate and at odds with the traditional character and appearance of the simple roof on this building. The mansard would significantly alter the roof form of the building, harmfully eroding its character and appearance. The proposed rear extension is also unacceptable, as noted the mansard roof would extend over it also. The large, tall, bulky, flat roof form of the mansard roof and rear extension would be an incongruous addition in contrast to the character and appearance of the Darnley Arms which is of simple design and proportions.

The proposed mansard roof extension would increase the scale and bulk of the host building when viewed on its own and alongside the neighbouring buildings. As stated, the Darnley Arms and the neighbouring Victorian and modern dwellings are characterised by pitched roofs, the proposed mansard roof would be completely out of keeping with the predominant roof form in the street. Furthermore, the stark appearance of the proposed side 'walls' of the mansard would have a particularly dominant and unacceptable effect on the streetscene; this would be even more exacerbated by the proposed blue/black tiles. The existing pitched roof is an integral part of the character and appearance of the existing host building and pitched roofs are a feature of the other neighbouring buildings. The proposed mansard roof extension including over the proposed rear extension would be completely out of keeping with the scale and character of the host building and cause harm to it.

The mansard roof would be clearly seen, visible from some distance along the street in both directions. It would significantly alter the appearance of the building by changing a modest pitched roof into a more bulky mansard extension which will be more prominent and clearly visible. The proposed mansard being of high visibility and completely at odds with the predominant roof form in the street would therefore also be harmful to the character and appearance of the streetscene.

In respect of design, character and appearance the proposal is therefore considered unacceptable. The proposed mansard roof extension and rear extension would be a dominant and incongruous addition which would harmfully erode, and be completely at odds, with the character and appearance of the host building and would also be out of keeping with the character and appearance of the streetscene. As such the proposal would be contrary to Policy CS19 (LPCS) and section 12 of the NPPF (2024).

Amenity of Future Occupiers

Policy CS19 (LPCS) seeks to ensure that the design and layout of new development accords with SPG2 Residential Layout Guidelines (2020). It also seeks to ensure that new development is fit for purpose and located, designed and constructed to safeguard the residential amenity, including privacy, daylight and sunlight, of existing and future occupants.

Internal living space

In relation to the internal living space SPG2 (2020) and Nationally Described Space Standards (2015) set out minimum internal areas for new dwellings based on the level of occupancy, bedrooms size and number of storeys. However, these relate more to flat conversions rather than HMOs.

The Council's own adopted 'Guidance for HMO Amenity Standards' (2023) includes more appropriate room sizes for this application type.

Bedrooms

For a one person unit there should be a minimum bedroom floor area of 6.51 sq. m and for a 2 person unit there should be a minimum bedroom floor area of 10.22 sq. m. The table below states the floor area of each unit within the proposed development and the facilities serving each room:

	Bedroom (sq. m) (Not including the en-suites)	Facilities
1 (ground floor) single bed	10.2	En-suite
2 (ground floor) two single beds	16.7	En-suite
3 (first floor) single bed	7.7	En-suite
4 (first floor) single bed	9.1	En-suite
5 (first floor) single	8.6	En-suite
6 (first floor) single	8.2	En-suite
7 (first floor) single	7.5	En-suite
8 (first floor) single	6.5	En-suite
9 (second floor) single	7.7	En-suite
10 (second floor) single	8.9	En-suite
11 (second floor) single	11.3	En-suite
12 (second floor) single	8.3	En-suite

As demonstrated in the above table all rooms within the HMO would comply with the minimum bedroom floor area in Gravesham's 'Guidance for HMO Amenity Standards' (2023).

*It should be noted that Private Housing state that room 11 does not achieve the required 6.51 sq. m for single occupation however, when measured room 11 is 11.3 sq. m and therefore does exceed the minimum standard. They also state that confirmation is required that the en-suites are not classed as habitable space; the bedroom measurements above are of the bedrooms only not including the en-suites.

Bathrooms & wc's

Each of the bedrooms would have an en-suite with toilet, sink and shower. The proposal would therefore have the required washing facilities.

Kitchen

The HMO Amenity Standards (2023) provides minimum requirements for communal kitchens/dining areas:

Where a kitchen is shared by (communal)	1 – 3 occupants	4 occupants	5 occupants	6 occupants	7 – 10 occupants
Kitchen (minimum)	5m ²	6m ²	7m ²	9m ²	11m ²
Dining area	2m ² per person	2m ² per person	2m ² per person	2m ² per person	2m ² per person

The guidance states that kitchen facilities should be no more than one floor away from the letting. It also states where this is not practicable, a dining area of a size suitable for the number of occupants should be

provided on the same floor as, and close to the kitchen.

As the kitchen would be on the ground floor, it would be more than one floor away from the second floor rooms however, a dining area is proposed. The kitchen proposed at ground floor level would be 19.5 sq. m. In terms of occupants within the HMO there would be 13. The standards only go up to 10 occupants which has a minimum floor area of 11 sq. m. However, it does state '*Where there are up to 10 occupants, either an additional full set of cooking facilities must be provided, or additional facilities must be provided in an appropriate number of individual lettings where the room is large enough. If two sets of facilities are in the same room, each set must be separated and in distinct areas of the room.*' As there would be 13 occupants it is even more so the case that an additional full set of cooking facilities should be provided.

Dining room

A dining room is proposed next to the kitchen and would be 24.7 sq. m. The guidance for dining rooms only goes up to 10 occupants; the minimum standard for 10 occupants at 2 sq. m per person is 20 sq. m. As such the minimum requirement for 13 occupants can assumed to be 26 sq. m. The dining room is therefore considered slightly undersized by 1.3 sq. m.

Light & outlook

At ground and first floor level the bedrooms would have a window(s) serving them thereby providing adequate natural light. At second floor level each of the four rooms at that level would be served by rooflights only. Given the orientation of these rooflights in the mansard roof it is considered that they would provide adequate light and outlook for occupiers of those rooms.

Private amenity space

There is a private yard/amenity space shown on the plans, next to the bin store and due to its size and location is not particularly positive living space for future occupiers. However, given the location of the application site where there are public parks in close proximity it is considered would have access to amenity space outside of the site.

Other

Private Housing raise several other points including requiring confirmation that the travel distance from Room 10 and Room 11 to the final exit point does not exceed 18m in respect of means of escape for fire. They also advise that the layout of some of the rooms does not appear to allow for sufficient space for basic bedroom furniture provision.

Some of the rooms particularly nos. 3, 7, 8 & 9 are only just above the minimum standards for a single bedroom which is disappointing to see when it is proposed to extend the building and re-arrange the internal layout, as realistically for some of the rooms there would only be room for a single bed and not much beyond that; furniture has not been shown. It is appreciated all bedrooms have en-suites but the bedrooms themselves should have room for basic bedroom furniture. As the guidance states 'When measuring the size of the room and assessing usable space, the shape of the rooms should be considered as well as the total floor area.' Some of the rooms due to the positioning of the internal walls have a narrow approach from the door which does not provide space for furniture before opening up for space for a single bed only. As stated this is poor considering it is proposed to extend the build and re-arrange the internal layout.

Overall it is considered the above issues all point to the proposal being an overdevelopment of the building.

The proposal represents overdevelopment of the building resulting in inadequate living conditions for future occupiers harmful to their amenity, by virtue of the number of rooms proposed, the size and layout of some rooms not able to accommodate basic bedroom furniture, along with undersized kitchen and dining facilities. As such the proposal is considered contrary to Policy CS19 of the Gravesham Local Plan Core Strategy (2014) and paragraph 135 (f) of the National Planning Policy Framework (2024).

Neighbouring Amenity

Given the scale and siting of the proposed development and the proximity of neighbouring properties it is considered that the proposal would impact on the properties to the north and east.

To the north are properties in Clifton Grove, directly adjacent to the site are nos. 19 & 21 and nos. 23 & 25 are in close proximity to the north-west.

The rear extension at basement, ground, first and second floor levels would be 2.3m in depth on the eastern side and 3.1m on the western side. Its height from ground to the top of the mansard roof would be 8.5m. The rear wall of the extension would 3.1m from the rear wall of the application site and there is a distance of 6m from the rear boundary wall of the application site to the rear of nos. 19 & 21 Clifton Grove. This means there would be a distance of 9.1m from the rear wall of the extension to the rear of the Clifton Grove properties. Given this proximity and the scale and height of the extension including the mansard roof it is considered the first and second floor levels of the extension and the mansard roof would cause overshadowing and have an overbearing impact on the windows in the rear of those properties and their rear garden areas and would generally be an unneighbourly extension. The impact would be less on nos. 23 & 25 given they are further away but it is considered the proposal would still be overbearing on those properties and generally have an unneighbourly impact. There are no windows proposed in the rear of the rear extension itself therefore no overlooking from there. However, there is a rooflight proposed in the rear of the mansard roof extension to serve bedroom 12 at second floor and this would not achieve the minimum 21m distance for facing habitable windows, it would therefore cause overlooking to nos. 19-21 Clifton Grove and also nos. 23 & 25 Clifton Grove and their rear garden areas.

The proposed rear extension would be positioned on the eastern half of the rear elevation that is furthest from no. 1 Salam Villas which is located to the west. Due to the positioning of the extension on this furthest half it is considered it would cause no actual overshadowing to no. 1 but it would given its height have an overbearing impact on no. 1 on the windows in its rear elevation and its rear garden and generally be an unneighbourly extension. Similarly, this would also be the case with the mansard roof extension again given its height and bulk and proximity to no. 1. The rooflights proposed in the west flank of the mansard are also considered to cause overlooking to the rear garden area of no. 1 Salam Villas. Given the scale of the proposal particularly as evident from the proposed west elevation it is also considered that the impact as described for no. 1 Salam Villas would be similarly the case for the adjacent building no. 2 Salam Villas.

Due to the distance of the application site to the nearest property to the east, no. 6 Trafalgar Road, of some 28m, there would not be any impact on that property with regards overshadowing or overlooking.

Overall however, in respect of occupier amenity the proposed mansard roof extension and rear extension by virtue of siting, scale, design and close proximity to neighbouring properties would cause overshadowing, overlooking and would generally be an overbearing and unneighbourly extension which would be harmful to the amenity of existing and future occupiers of several neighbouring properties. As such the proposal would be contrary to Policy CS19 (LPCS) and paragraph 135 (f) of the NPPF (2024)

Parking and Highways

The application site has no off-street parking and that would remain the case with the proposed development.

KCC Highways advise that the parking standards for a town centre/edge of centre location (as this site is) in both in SPG4 (GBC standard) and IGN3 (KCC Standard), is a **maximum** of one space per unit, so they state it would not be appropriate to raise an objection of parking grounds. KCC Highway note that this area is covered almost entirely by a Residents Parking Permit scheme so state if the Parking Manager agrees that permits would not be issued to any residents of this building that wouldn't exacerbate any existing parking problems. However, that is not something that could be controlled under planning. As KCC Highways advise, an objection on highway grounds cannot be raised given the maximum parking standards. Furthermore, it is considered that the lawful use of the building as a public house could mean a

number of visitors could attend by the use of a vehicle and the use of the building as a 12 bedroom, 13 persons occupancy HMO is likely to be similar to parking demand for a public house.

Overall therefore in respect of parking and highway safety it is considered the proposal would not be contrary to Policy CS11 (LPCS) or saved Policy P3 (LPFR).

Ecology & Biodiversity

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 £314.05 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 11 units and the applicant has not paid the required tariff (£328.27 x 11 = £3,610.97). The Local Planning Authority cannot 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 in respect of ecology and biodiversity is contrary to Policy CS12 (LPCS) and Paragraphs 193 and 194 of the NPPF (2024).

Any Other Material Planning Considerations

Refuse

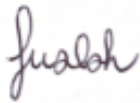
A refuse store is shown in the rear yard with space for 6 bins. It is considered that sufficient refuse provision has therefore been shown and subject to details which could be conditioned should permission be forthcoming, the proposal in respect of refuse storage would be compliant with Policy CS19 (LPCS).

Conclusion

The proposal is considered acceptable in respect of parking and highway safety. However, it is unacceptable in respect of design, character and appearance, occupier amenity, neighbouring amenity and ecology and biodiversity. As such the proposal is contrary to Policies CS12 and CS19 (LPCS) and sections 12 and 15 and paragraph 135 (f) of the NPPF (2024).

Recommendation: Refusal

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

Case Officer:	Ms Rebecca Harrison	Team Leader:	Mrs Faye Walsh
Signed:	<i>Rebecca Harrison</i>	Signed:	
Dated:	7th February 2025	Dated:	07 February 2025