

Planning Statement

In relation to:

Full application for the erection of a detached bungalow alongside associated works including access, parking and landscaping.

Located at:

Land East Of 58 Dover Road Five Ash Road Gravesend Kent DA11 0RE



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1.0 Executive Summary

- 1.1 This application seeks the erection of a detached bungalow on land East of 58 Dover Road, Five Ash Road, Gravesend, Kent. The proposal has been developed to address issues raised previously in relation to past applications and the recent appeal in relation to two semi-detached houses which were proposed on the site. The conclusion of this statement is that that reasons for refusal previously highlighted can adequately be addressed and that on balance the redevelopment of the site with a sensitively designed home would not only assist in meeting the housing needs of Gravesend District Council but also deliver this in a high sustainable location and offer a betterment on the current offering of the site to the street scene and local context.

2.0 Relevant Planning Policies

Development Plan Gravesend Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS12 – Green Infrastructure
- CS14 – Housing Type and Size
- CS15 – Housing Density
- CS18 – Climate Change
- CS19 - Design & Development Principles

Saved Policies in the Gravesend Local Plan First Review (November 1994)

- P3 – Vehicle Parking Standards
- T1 – Impact of Development on the Highway Network

National Planning Policy Framework

- Section 2 – Achieving sustainable development
- Section 12 – Achieving well-designed places

The Housing Delivery Test 2020 (Published 14th of January 2022)

National Design Guide 2021

Supplementary Planning Guidance

- SPG2 - Residential Layout Guidelines (1996)
- SPG 4 - KCC Parking Standards (2006)
- Landscape Character Area (2009)
- Housing Delivery Action Plan

3.0 Relevant Planning History

Application for outline planning permission with all matters reserved and being for the erection of 5 apartments with associated car parking and landscaping Ref. No: 20200884 Status: Application Refused
Application for outline planning permission with all matters reserved and being for the erection of a pair of 3-bedroom semi-detached dwellings, with associated parking, landscaping and access. Ref. No: 20210137 Status: Application Refused – Appealed and Decision upheld.
Application for outline planning permission with all matters reserved and being for the erection of a pair of semi-detached dwellings, with associated parking, landscaping and access. Ref. No: 20210441 Status: Application Refused
Application for outline planning permission with all matters reserved and being for the erection of a detached dwelling, with associated parking, landscaping, and access. Ref. No: 20210442 Status: Application Refused
Application for Lawful Development Certificate for proposed erection of a 2-metre close board fence to the boundaries on all sides. Ref. No: 20220025 Status: Certificate Granted

- 3.1 It is accepted that each of the above applications have been decided on its own merit. The application this Statement presents for consideration of the Council is most akin to that of application 20210442, though it is considered that the issues raised within the reasons for refusal have now been addressed. The Inspectorate's decision in relation to 20210137 is also a material consideration though this was for a different scheme with considerably more mass and bulk as well as an additional dwelling which lent to the conclusion that the scheme in that case would appear "cramped". It is also noted that there were several issues with the application process previously including contrary views on the site's total area. The applicant has had a site survey undertaken by an independent and qualified surveyor to ensure that the new design and any decision can draw on reliable and robust evidence. If the Council has any queries in relation to this matter or any others, the applicant is happy to have an open and transparent communication, as soon as necessary, in an effort to seek to resolve any further issues identified.

4.0 Principle of Development

- 4.1 The application site is located within development boundary of the urban area of Northfleet. The site is 'white land' and therefore has no formal designation or protection in the statutory Development Plan. The principle of residential development on this site is accepted by the Council subject to the compliance with specific development management policies and the demonstration of overcoming site constraints – this has been confirmed within the delegated report in relation to 20210137.

5.0 Site Description and Surroundings

- 5.1 The application site (the site) is a triangular plot of privately-owned land and is not formally designated for any specific use in planning policy. The vehicular access to the site is from Stanbrook Road, which in a poor state of repair and overgrown. To the east of the site is a Victorian terrace which has relatively short projection rear gardens facing the site, located on the other side of an informal lane. To the west of the site is a relatively large detached dwelling, number 58 Dover Road East, which has a similar sized plot to the site, however the property is notably more modern in appearance than other properties in the vicinity. Its boundary treatments includes a tall brick wall and tall evergreen hedging. The site is also separated from number 58 by a Public Right of Way (PROW).
- 5.2 To the south there is a builder's yard with various elements including a two-storey 'workshop' abutting the southern perimeter of the site. The boundary to the builder's yard is walled with London Stock brick facing Dover Road East. Breeze block also features in the wall facing the site. Within the site is a parcel of land in different ownership which serves as an electrical substation also accessed from Stanbrook Road.
- 5.3 The applicant agrees with the Council that there is no particular uniformity to the street scene, as suggested in the Committee Report in relation to 20210137, and notes that the Inspector's consideration of the street vicinity includes factual errors, which should be corrected in the consideration of this application. The Inspectorate suggested that the residential urban form is 'only interrupted by larger plots containing non-residential uses in the immediate vicinity. Gardens are generally rectangular, narrow and deep, matching the style and period of the housing'. Evidently number 58 is a larger irregular shaped plot containing a detached residential dwelling not only in the immediate vicinity but with perhaps the greatest relationship to the site in any meaningful sense in relation to public views and access surrounding the site.



Image One: Site viewed from Dover Road East and relationship to no. 58



Image Two: Site viewed from PROW from (which road) looking towards Dover Road East and the builder yard



Image Three: Site viewed from Fiveash Road Footpath, with builder's yard boundary to right



Image Four: Satellite Imagery highlighting the site and built form within the area

- 5.3 As seen in the images the site is currently overgrown, and graffiti and littering have become issues in the locality. This stance is supported by a previous comment of support from a resident, that was not however noted in the Committee Report stating, *'there is a vermin problem and a rubbish & fly tipping problem prevalent alongside substance abuse and dealing'*. The owner is arranging for the site to be cleared to address these issues as much as possible and imagery will be sent to the Council to update it once completed.
- 5.4 The site will be fenced off in line with Lawful Development Certificate, reference 20220025, to seek to prevent unauthorised fly tipping and use of the land for illegal activity as highlighted above in the near future.

6.0 Proposal

6.1 The application seeks permission, in full, for the erection of a detached single storey dwelling with associated parking, landscaping and access. As aforementioned the previous decisions have been taken into account in the design of the current proposal. The proposed dwelling takes the form of three-bedroom bungalow with a total internal floor area of 80.19sqm. The schedule of rooms is as follows:

- Living and Kitchen area – 24.72sqm
- Bedroom One – 14.52sqm excluding ensuite
- Bedroom Two – 8.38sqm
- Bedroom Three – 7.96sqm
- Main Bathroom – 5.07sqm

6.2 It incorporates private amenity space located to the north of the living 'block' (Block A) and west of the bedroom 'block' (Block B) and has a total area of 61.47sqm. The dwelling meets the Nationally Described Space Standards and also the Local Policy for garden sizes of three bedroomed homes. Beyond this, the approach taken to the design of the property has carefully considered and reflected upon the comments previously made by Officers, Councillors and the Inspectorate.



Image Five: Site Layout highlighting block arrangement

- 6.3 Firstly, dealing with the architectural style of the building, the proposal now seeks to replicate the features seen in many of the properties within the area and is Victorian in appearance. The use of stone cills and headers, a red brick plinth and banding, slate tiled roof and London Stock Brick is considered to be in harmony with the surroundings. Notably the property is a bungalow in form, and this is not seen within the immediate vicinity, however the builder's yard to the front also includes several single storey elements and it is considered that there is no harm created by the inclusion of further single storey development. The site is also opposite the Copperfield Academy, which is single storey, but which is greater in height, scale and massing.



*Image Six: Single storey brick building
25 metres to the south of the site (52 Dover Road East)*



Image Seven: Single storey element of the builder's yard that forms a prominent part of the immediate streetscape

- 6.4 The layout of the proposed building is essentially informed by the site's constraints and opportunities. When taking into account previous concerns in relation to overlooking to and from the site and the need to address the street scene, the use of two blocks has been implemented to alleviate the previous issues raised in the best way possible. Looking at block 'A' first, it creates a building line with the detached property to the north of the site (no 58 Dover Road East) and it is set back from the site boundaries to provide further space visibility space for the PROW. The block includes a front door and is double fronted with an attractive symmetry. To the front of the property is ample room for parking and landscaping which, without prejudice, can be conditioned for discharge as the Council's preference. The block also includes a bay window overlooking the PROW, which will improve the building's surveillance of the PROW from three aspects and two sets of patio doors giving direct access to the rear garden.
- 6.5 Block 'B' is accessed to the eastern side of Block 'A' via small utility /hall area which also has access to the private garden. The hall area acts as a 'link' that is subservient in scale mass and form to the two main blocks and this is accentuated by being set back from the principal elevation. Block 'B' is also set back from the western boundary by further access strip which with the set back of the block from the boundary line of the Victorian properties would leave a 3.6m distance which would allow vehicular access down the lane, as required. The block includes the bedrooms and bathrooms. The family bathroom is located to the front of the property and would have diffused glazing for privacy purposes. Each of the bedrooms are proposed to have direct access to the rear garden and could be used as additional living space, or for home working by occupants instead of as bedrooms, which can be easily accommodated due to the internal layout of the building. Bedroom One to the north of the plan includes a bay window that would overlooks the PROW from three directions, also set back from the boundaries with low-level dwarf landscaping around it to assist in minimising undue overlooking. To the western elevation of block 'B' there would be no windows however four bricked up cills would punctuate the façade and add design interest. To light the internal hall adequately three 'conservation style' skylights are proposed.

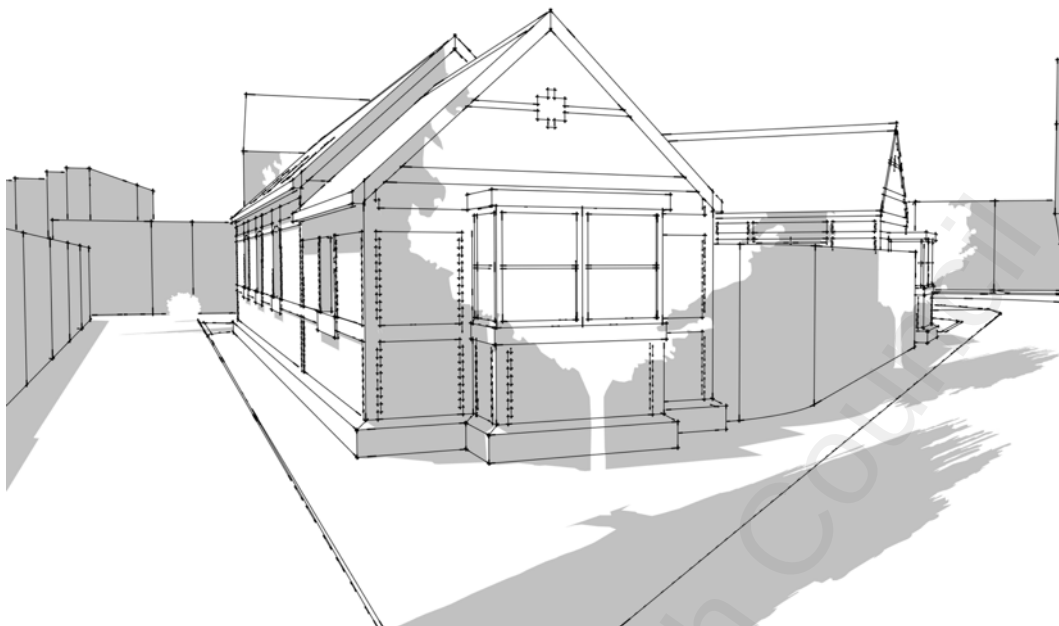


Image Eight: Perspective showing level of surveillance along the PROW

- 6.6 The main ridge height of each block is 4.5 metres with block 'B' having a drop in height of 650mm to north to break up the building's massing. Lastly in terms of built form, the rear garden would have a two-metre wall in stock brick, with a lockable gate, to ensure adequate privacy from the PROW, but provide a means of access to the private garden. Due to the single storey nature of the proposal and the inclusion of a 4.5 metre ridge along the boundary with the Victorian terrace to the west of the site, it is considered that all previous concerns in relation to the privacy and amenity afforded to existing and prospective residents is now adequately mitigated. The reduction of the height of the building also means that the level of direct sunlight to the rear garden will be greater than that previously proposed although this was not considered, from the applicant's understanding, to be a significant issue in the decision-making process previously and was not mentioned by the Planning Inspectorate.



Image Nine: Perspective showing a view towards the terrace taken at the most westerly point of the garden

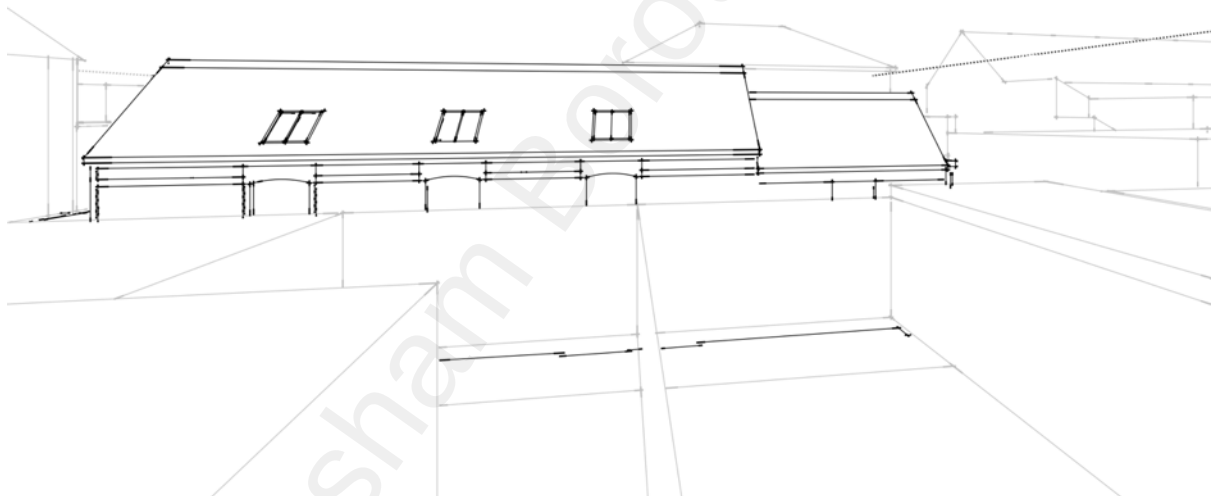


Image Ten: Visualisation of site from upper windows of the Victorian terrace to the east on Stanbrook Road

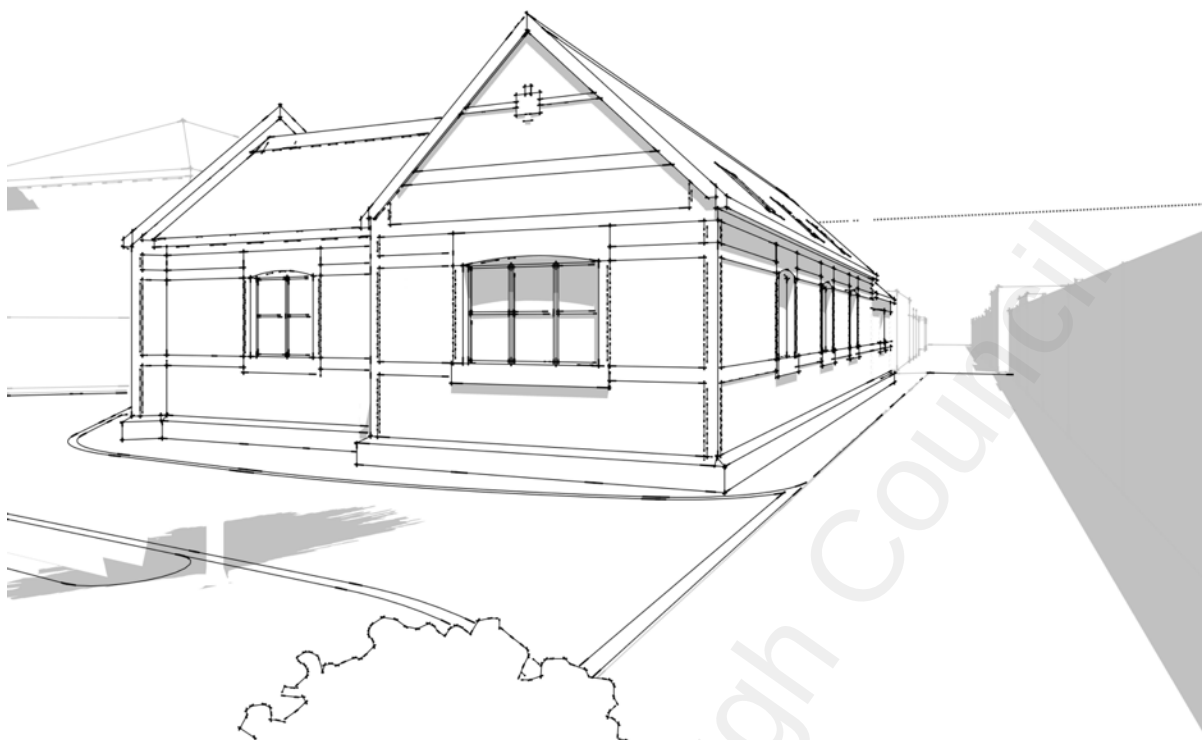


Image Eleven: Visualisation of site from the southeastern corner looking toward the northwest

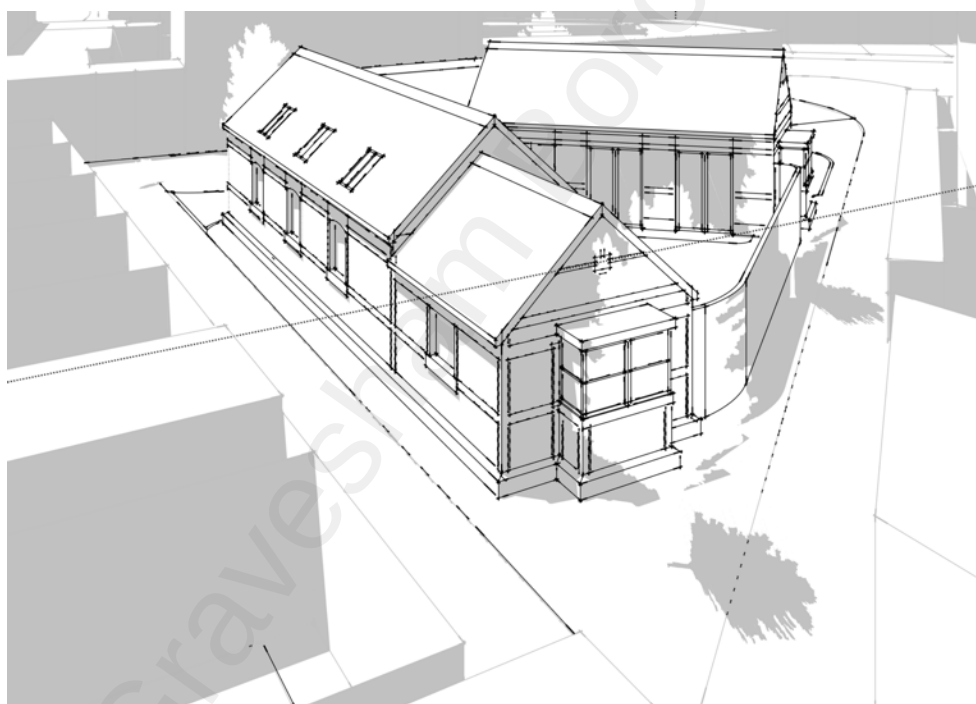


Image Twelve: Visualisation of proposal looking south with the PROW shown to the left of the site.

7.0 Other Matters

- 7.1 Several other points have been raised throughout the planning application history and these are addressed, in turn, below.

Density and Character of Development

- 7.2 The Committee Report in relation to the previous detached dwelling proposed on the site, planning reference 20210442, was noted to be at a lower density than the average within the area. However, the floor area ratio is akin to that of the dwelling to number 58 Dover Road East and a higher density of dwellings has not been achieved due to the site's constraints articulated in other decisions and at appeal. The emphasis of higher densities in urban areas is in an effort to make an efficient use of land, however it is clear that the offering of one dwelling is better than none in this respect and when viewed alongside the constraints this should not form a reason for refusal as it is positive mitigation. The use of dwellings per hectare is also only one in many ways to consider density. The Inspectorate did not highlight any harm to be caused by a lack of dwellings per hectare.
- 7.3 The Report also noted that due to the awkward shape of the plot, a dwelling would appear out of character in this location. The plot essentially has many similarities to that of number 58 Dover Road East and the new design of this application has been developed to assist in creating a dialogue and relationship with the street scene of Dover Road East. It is clear that the dwelling does not directly meet the road, however it is orientated to create an interface with this street scene, whilst also improving the appearance of the site from existing public viewpoints. It is not considered that the introduction of a dwelling in this location would cause any harm to the character or appearance of the street scene or to neighbouring properties' amenities.

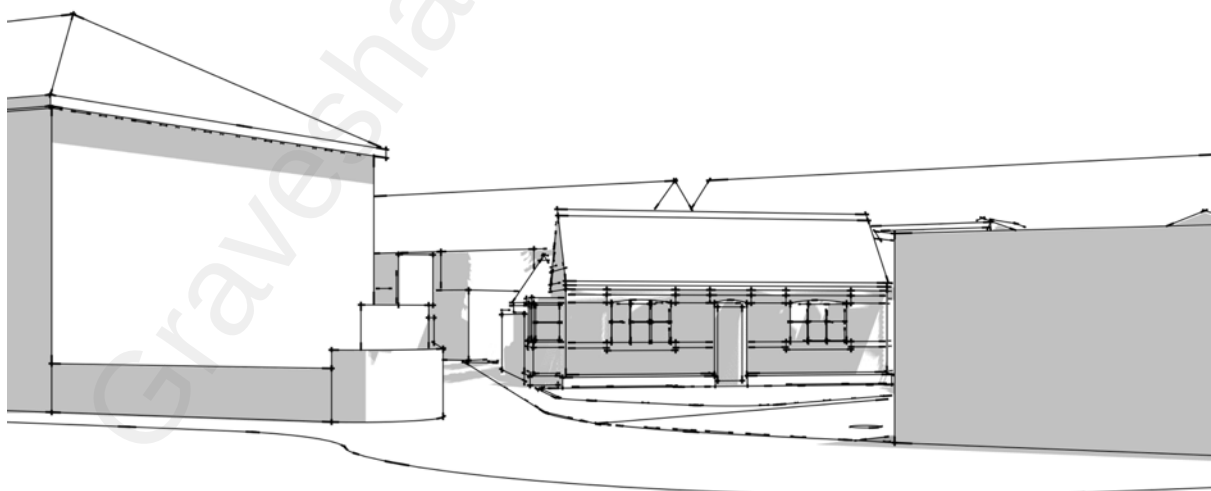


Image Thirteen: Visualisation of the relationship with the Dover Road East / Fiveash Road junction

- 7.4 The site has some qualities similar to backland developments and the development of backland sites, where possible, is an accepted practice and there are several instances of this already having been granted within the local area. Though as discussed with officers, whilst it is accepted that each case must be dealt with on its own merit, a precedent is in place for this type of development. Application 20210435 located around 200 metres away is a good example of a similar site being developed.

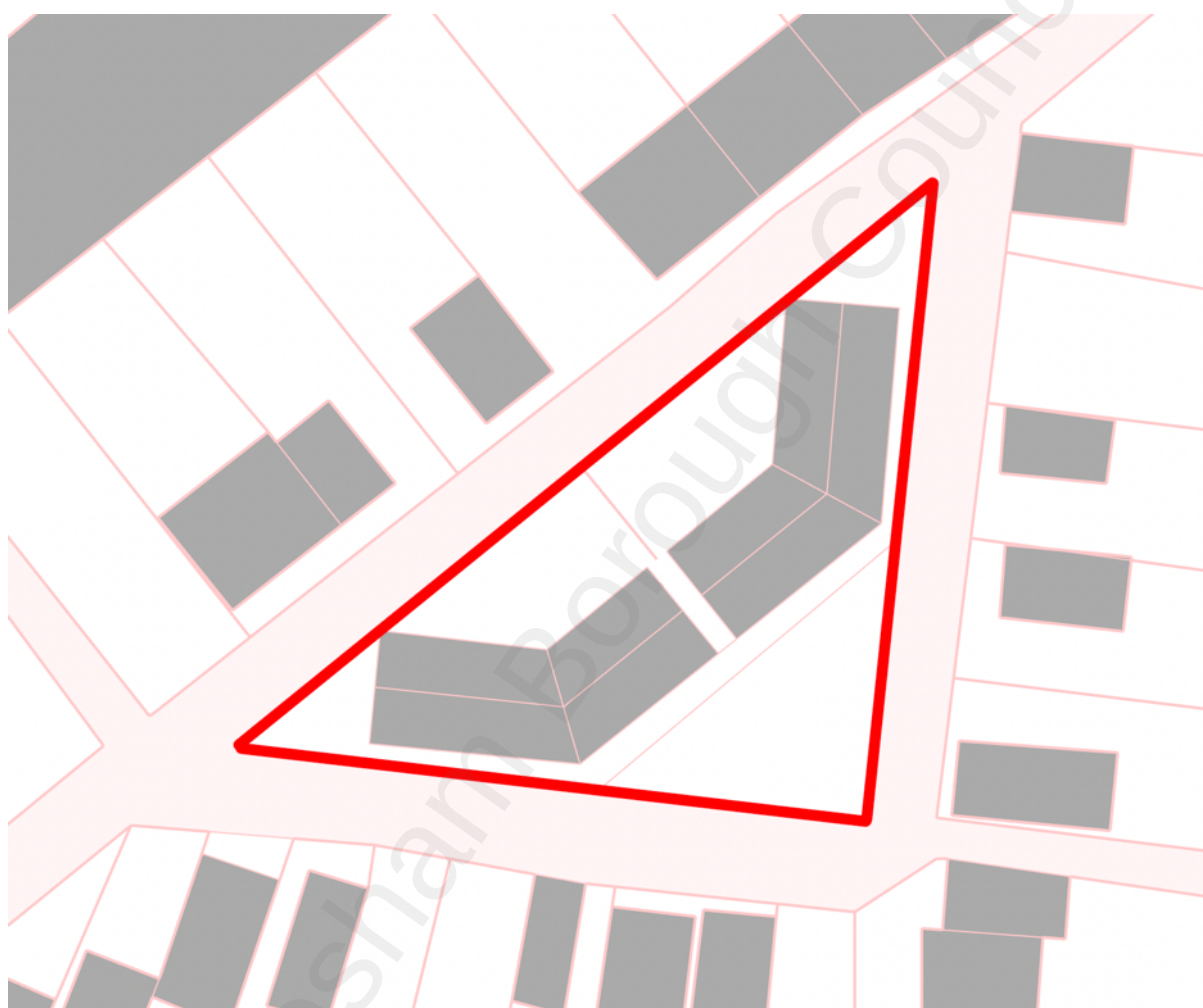


Image Fourteen: Visual of scheme for 2 dwellings under planning reference 20210435, located 175 metres away

- 7.5 The main difference other than access arrangements between the proposals is that the scheme submitted to support this application is a more sensitive scale mass and bulk in the scheme submitted to support this application. There is also a higher quantum of parking and a larger garden available with more direct sunlight in the application site. Both sites border PROWs and the only difference identified is that the application site is visible from a main highway. Both however have a context from public view points that needs to be respected.

Ecology and Biodiversity

- 7.6 The scheme would include large areas of garden to the front and back that can include substantive levels of native planting including hedges and specimen trees. The applicant would accept any conditions deemed necessary to ensure a positive impact on biodiversity is met on site where possible and will include interventions such as hedgehog friendly boundary treatments, such as lintelled gaps in the base of the garden wall, bird and bat boxes.

Effect on integrity of the SPA

- 7.7 The applicant agrees with the Council that a financial contribution of £253.83 per dwelling should be linked to any permission to mitigate potential harm to the SPA. However, the Inspectorate has stated that the site is “used for public recreation and so the proposal, when considered alone or in combination with other schemes, could have significant effects on the quality features of interest of the SPA due to the increased recreational use”. This is factually incorrect and as previously stated the site has no formal designation as amenity land and is not used recreationally. The applicant believes that this matter may have become conflated from the GIS layers title which is not a policy designation. There is no doubt that this aspect of the appeal decision was made erroneously and if required a legal opinion can be sought. Without prejudice, if the application is required to go to appeal, a hearing will be requested to scrutinise the issue in depth.
- 7.8 Further to this, the certificate of lawfulness approval which was correctly issued allows the site to be enclosed by a perimeter fence, preventing it from being used by anyone without permission. Without prejudice, it is anticipated that the Council would accept the SPA mitigation payment yet the confusion of the Inspectorate’s decision in relation to the designation of the site raises larger concerns over the context in which its decision was made. It is also noted that Natural England has raised no objection.
- 7.9 Land can only be allocated by the development plan as open space or amenity land and this is not a designation handed down by the Inspectorate. The matter is not a subjective assessment and there are many appeals that highlight this. Two of which are referred to below:

APP/X0415/W/18/3214973:

- “9. Although the site is irregular in shape, whereas most nearby plots are roughly rectangular, it does not appear to be markedly smaller than some other plots. The indicative plans show a dwelling facing the road and set back about 1.5 metres from it. Whilst layout is a reserved matter, that potential orientation reflects other road-facing dwellings along Woodley Hill. The set-back would be less than many of the more modern housing but some other buildings and flats are also sited near the road. In any case, the existing garages would provide some visual separation between the proposed house and the next dwellings on that side of the road. Therefore, I do not see that the plot shape or size and

likely setback would result in incongruity in the street scene or that a dwelling sited upon it would necessarily be imposing, taking into account that scale, appearance and landscaping are all for future consideration.

10. The Council says that the open nature of the appeal site contributes positively to the area. **However, it is not designated green space** and whilst some local residents say that children have used it as a play area, it is also said to be used as an informal parking area for several vehicles, which given its proximity to existing garages may not be surprising. Indeed, a number of residents have objected to the loss of the area for parking. During my site visit, at about 1630 hours on a Tuesday, two cars were parked on the site. **As the land is in private ownership and not subject to designation there is no formal protection for such uses.** Given the modest size of the grassed area, its proximity to utilitarian blocks of garages and informal use for vehicle parking, I consider that it makes a very limited contribution to openness or the character of the area.
11. The above factors lead me to conclude, bearing in mind that the proposal is in outline only, that it would not have a significant adverse effect on the character and appearance of the area. Therefore, the proposal does not conflict with policies GC1 or H3 of the Chiltern District Local Plan (LP) 1 or policy CS20 of the Core Strategy for Chiltern District (CS)2, which together seek to ensure high standards of design which reflect and respect the character of the surrounding area. It would also comply with similar policies within the Framework."

APP/C3810/W/21/3268934:

"Health and wellbeing

10. **The site is not designated as open space in the LP, and whilst the Angmering Neighbourhood Plan 2014-2029 (NP) has designated other green spaces within the same estate as Local Green Space, the site is not one of them.** The Council says that the site lends itself to physical exercise and health, and that the proposal would erode natural surveillance close by.
11. However, the appellant's NP extract shows that Langmead Recreation Ground is less than half a mile away, so nearby occupiers and future occupiers of the dwelling would have reasonable access to space for physical exercise and their health close to their homes. There is also ample scope for the proposal to improve natural surveillance at and around the site. **Moreover, as the appellant has shown that all of the site could be fenced up to the back edge of the pavement without the need for planning permission, its future availability for informal use by nearby occupiers could not be assured.**

12. *I consider that the proposal would not harm the health and wellbeing of nearby occupiers. It would not conflict with LP Policy OSR DM1 which aims to protect open space and LP Policy HWB SP1 which aims to promote healthy communities and reduce health inequalities."*

- 7.10 Both appeal decisions will be included within the appendix to this document alongside the Inspectorate's previous decision on this site and the EIA scoping opinion. If the Council wishes to have more information on the appeal sites that can be given however the main issues highlighted are included within the appeal decisions. Namely, the Councils afforded weight to the sites beyond any purely visual amenity and that this was the incorrect approach to take.

Access

- 7.11 Access and parking arrangements remain similar to those previously submitted. With the parking accessed from the access strip from Stanbrook Road. The access to the electrical substation will also retain a suitable access. The access is already established and is the only vehicular access to the UK Power Networks substation. The access is approximately 2.7 metres in width and though in a poor state of repair the context is similar to that of planning application 20200800, 68-74 Brook Road Brook Road. The illustrative site plan also illustrates ample parking on the site, at least space for 3 vehicles. The applicant is confident that the matter of parking and access can be suitably dealt with in detail via condition.
- 7.12 The applicant has included a certificate C within the planning application form. Though the application process is not subject to concerns in relation to land ownership it is suggested that the access has been used by UKPN since the substation was constructed and none of the surrounding properties own the strip leading to Stanbrook Rd. In actuality all properties surrounding the lane have a right of way over the land and the application would not impede this. Subject to planning an application being approved there is much scope for the development sought to make good of the access route to the benefit of all neighbouring properties.

8.0 Housing Need

- 8.1 The NPPF is a significant material consideration in the decision-making process for this particular application due to the inability of the Council to demonstrate a 5-year supply of housing and the failing of the Housing Delivery Test (57% delivery of the requirement, down a further 13% on the previous year). It is noted that the Council's stance is that the benefit of one new home is not considered significant however this approach to delivering new homes in a district that is failing to meet need and that is heavily constrained by green belt has worsened the harm caused by insufficient homes being provided, which means the Council must look at other land sources more favourably to meet its needs, as long as they constitute sustainable development. The dwelling is also a bungalow, and this is a house type that is needed within the Council's own evidence base and in line with policy CS14 of the Gravesham Local Plan Core Strategy 2014.

9.1 Planning Policy

- 9.1 It is considered that the application complies with the policies within the adopted Local Plan. The Council considered that the application 20210137 complied with all policies other than CS19 within the reason for refusal therefore it is reasonable to assume that this is the only policy that could have been contended in this instance. The Council did refuse 20210442 on the basis that policies CS14 and CS15 were also not satisfied. As stated previously, the Inspectorate did not consider that the density of dwellings per hectare was an issue of under-utilisation, quite the contrary, and it is curious to on one hand suggest a site is over developed and on the other not developed to a density that is anticipated. There is a clearly a balance to be made in the weighing-up the objectives of any policy.
- 9.2 Policy CS14, Housing Type and Size, seeks new development to provide range of dwelling types/sizes considering existing area character and local need. This policy also supports sheltered housing and extra care special needs housing. Evidently the dwelling is a bungalow which does not directly reflect the dwelling types within the vicinity, however it does meet a need for single storey living as highlighted by policy CS15 in a design that is sympathetic to its surroundings. The policy is open to interpretation, however a plain reading of 'dwelling types/sizes considering existing area character and local need' would suggest that harm should not be caused to the existing area, and variation is not strictly harm and as previously specified the design of the surrounding buildings is not uniform. Meeting local qualitative need should therefore also play a part in the decision-making process.
- 9.3 Further in relation to policy CS15, Housing Density, the policy highlights that the search for an efficient use of land should also be informed by the character. The land in ownership is circa 335sqm which would equate to just under 30 dwellings per hectare which is a reasonable density for an urban area and similar to the 58 Dover Road East.
- 9.4 Policy CS19, Development and Design Principles, seeks new development to be visually attractive, fit for purpose, locally distinctive and to conserve and enhance character of built environment. It is considered that the site assessment and the proposal section have illustrated that a conscious effort has been made to ensure that this aspect of the policy has been satisfied.

National Policy

- 9.5 At the heart of the Framework is the presumption in favour of sustainable development. Paragraph 11 now provides the mechanism to apply the presumption and paragraph 11(d) is the most relevant to this application. It is thought to be common ground between the parties that the Council is unable to demonstrate a five-year housing land supply and, as such regardless of the of how out-of-date the Development Plan, paragraph 11(d) is engaged.

9.6 Paragraph 11 d) states:

“Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁷, [for decision-taking this means] granting permission 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 proposed⁶; 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.”

9.7 As stated detailed at paragraph 8.1 of this document, the Council is unable to demonstrate a 5-year housing land supply of housing and has also failed to meet the requirements of the Housing Delivery Test. The implication of this is that those policies which are most important for determining the application are out-of-date, such that the ‘tilted balance’ should be applied where permission should be granted unless the adverse impacts of doing so would **significantly and demonstrably** outweigh the benefits, when assessed against the policies **in the Framework** taken as a whole.

9.8 Paragraph 213 of the Framework states:

“Existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).”

9.9 Though the policies at the local level may appear at first glance to be in general conformity with the Framework clearly there is something amiss in what is being achieved on the ground. The policies, and importantly the interpretation and balancing of the policies in the decision-making process has led, in part, to a shortfall in housing supply. This is not in line with the general emphasis within the Framework for positive growth, the efficient use of land and a positive and creative approach to delivery. Regardless, the appellant believes that the application accords with both tiers of policy and given its scale, this is a scheme which can be delivered within 5 years.

[Other Relevant Sections of the Framework](#)

9.10 The Framework, at paragraph 68, states:

“Small ... sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should... support the development of windfall sites through their... decisions - giving

great weight to the benefits of using suitable sites within existing settlements for homes...

- 9.11 The choice of words ‘great weight’ over ‘weight’ is significant, and this echoes the Framework’s support for small scale development including self-build and custom-build options as this application seeks to achieve.
- 9.12 Chapter 12 of the Framework deals with achieving well-designed places, strengthening previous national policy by stating that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. While the application proposals are made in outline the appellant considers the proposal would deliver a high-quality home that would fulfil the criterion in paragraph 127 of the Framework.
- 9.13 Paragraph 170 of the Framework states:
- “Planning policies and decisions should contribute to and enhance the natural and local environment by:...*
- Minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;*
 - Preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and*
 - Remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.”*
- 9.14 The proposals are well placed to offer a net gain in biodiversity is through various measures including possible landscaping, bat boxes, bird boxes and a contribution to the SPA mitigation as aforementioned.
- 9.15 Sustainable development is identified within the NPPF as having three key strands: economic, social and environmental. This proposal will result in economic benefits to the Gravesham area. It would create jobs in the construction industry in the short term and would bring economically active people into the area. It would also contribute new homes bonus for the Council. These would perform an economic role as defined in the NPPF. The provision of an adequate supply of housing is identified in paragraph 8(b) as a social role of sustainable development. In terms of the environmental role the proposal would in the applicants view enhance the character and appearance of the area and neighbouring amenity would be safeguarded whilst enabling biodiversity gains.
- 9.16 These economic, social and environmental benefits are all material considerations, which weigh in favour of approving the application. Overall, the development therefore represents sustainable development.

10.0 Conclusion

- 10.1 The indicative scheme before the Council has been developed through reiterations with the points raised in relation to the previous refused schemes and the appeal decision being a key focus. It is considered that the perceived harm of the previous proposal is all but mitigated by the substantially more modest scheme that supports this application. The proposal is not considered to cause any harm to the amenity of neighbouring properties or prospective residents. Similarly, the issues in relation to a perceived impact upon the street scene and character of the area have been addressed with a more modest and in-keeping proposal. The redevelopment of this sustainably located site will offer a much-needed new adaptable family home and the applicant hopes that the Council agree that the issues raised through the previous delegated reports and Inspector's decision have been noted and that respectfully requests the application is approved.



Image Fifteen: Visualisation of potential street scene



Image Sixteen: Proposed Floor Plan and Elevations



Image Seventeen: Proposed Site Layout

Appendix One: Public Notice in Paper



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PAGE 5

Field of Dreams

Ebbfleet United Football Club has unveiled ambitious plans to erect a new 8,000-seater stadium at the heart of a waterfront leisure and shopping destination.

The proposed multi-purpose venue and function space will replace the Kallish Stadium, in Stonebridge Road, Northfleet, and create a waterside neighbourhood.

The emerging plan, known as Northfleet Harbourside, covers a broadfield site of around 36 acres close to Northfleet's historic harbour and the river.

It features a new retail village consisting of 25,000 sq ft of shops, restaurants, bars and cafes, a 200-bed hotel, 1,500 homes, 180,000 square feet of office space including space for start-ups, a parkland and children's play area as well as pedestrian and cycle links along the River Thames.

Those behind the redevelopment say it will bring up to 3,000 new jobs in the retail, leisure and service sectors.

A spokesman for the Northfleet Harbourside scheme said: "The new venue will provide best-in-class public amenity offering and earned seating for the club supporters, alongside a new sports medical facility."

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Town and Country Planning (Development Management Procedure) (England) Order 2015

NOTICE UNDER ARTICLE 13 OF APPLICATION FOR PLANNING PERMISSION

Proposed development at Land East Of 58 Dover Road East, Five Ash Road, Gravesend, DA11 0RE. Take notice that the application is being made by Mr Sean Tofts.

For permission to construct a single dwelling and associated works including access, parking and landscaping.

Any Owner or tenant who wishes to make representations about these applications should write to the council at Gravesham Borough Council, Civic Centre, Windmill St, Gravesend, DA12 1AU.

Signed Mr S Tofts

Statement of Owners Rights: The grant of planning permission does not affect owners' rights to retain or dispose of their property unless there is some provision to the contrary in an agreement or in a lease.

Statement of Agricultural Tenants Rights: The grant of planning permission for non-agricultural tenants may affect agricultural tenants security of tenure. 'Owner' means a person having a freehold interest or a leasehold interest the unexpired term of which is not less than seven years. 'Tenant' means a tenant of an agricultural holding any part of which is comprised in the land.

Appendix Two: Inspectors Decision Notice for previous refusal APP/K2230/W/21/3272575



The Planning Inspectorate

Appeal Decision

Site visit made on 21 October 2021

by David Wallis BSc (HONS) PG DipEP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 NOVEMBER 2021

Appeal Ref: APP/K2230/W/21/3272575

Land east of 58 Dover Road, Five Ash Road, Gravesend, Kent DA11 0RE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Sean Tofts against the decision of Gravesend Borough Council.
 - The application Ref 20210137, dated 31 January 2021, was refused by notice dated 1 April 2021.
 - The development proposed is erection of a pair of semi-detached dwellings with associated parking, landscaping and access.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application is made in outline form with all matters reserved, with all drawings that accompany the application annotated as being indicative. I have considered the appeal on this basis.

Main Issues

3. The main issues for the appeal are:
 - the effect of the development upon the character and appearance of the area;
 - the effect of the development upon the living conditions of existing and future residents; and
 - whether or not the proposed would have a likely significant effect upon the integrity of a designated site on the Thames Estuary and Marshes Ramsar Site and Special Protection Area (SPA).

Reasons

Character and appearance

4. The appeal site falls within an area of residential character comprising predominantly terraces of two storey properties. A very distinctive sense of place is formed through the strong linear nature of the terraces in close proximity to their respective streets, enclosing the space in a relatively uniform layout. The regular rhythm of the residential urban form is only interrupted by

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larger plots containing non-residential uses in the immediate vicinity. Gardens are generally rectangular, narrow and deep, matching the style and period of the housing.

5. The appeal site constitutes a triangular piece of land containing trees and an overgrown compound of an electricity substation, currently accessed from a public footpath on its northern boundary and a strip of land down the flank of No.3 Stanbrook Road. It narrows to a pinch-point towards Five Ash Road, with the wider part of the plot abutting the boundaries of No.3 to No.13 Stanbrook Road to the east.
6. The indicative site layout shows a pair of a semi-detached dwellings that are at angles to each other, resulting in a complex roof form to make the physical join and with neither property fronting onto a public highway. The layout would result in small strips of private garden land for each dwelling, both being of irregular size and shape.
7. The proposed development would be visually disruptive to the established and recognisable pattern of the surrounding built environment. It would fail to address the public highway and would be of an awkward design attempting to fit two dwellings into a tight and constrained plot. The form of the proposals would starkly contrast with the established pattern of the built environment and, together with the lack of suitably sized useable garden space, would appear cramped, contrived and visually discordant.
8. I acknowledge that the plans are indicative only, but they fail to convince me that a pair of dwellings could be satisfactorily developed on the plot that would be in keeping with the character or pattern of the local built environment.
9. I conclude that the proposal, in appearing cramped and overdeveloped, would adversely affect the character and appearance of the locality. This would be contrary to policy CS19 of the Gravesham Local Plan Core Strategy 2014 (the CS), which requires proposals to conserve and enhance the character of the local built environment.

Living Conditions

10. No.3 to No.13 Stanbrook Road form a terrace of dwellings that have two-storey rear projections facing west towards the appeal site. The gardens for these dwellings are short in depth, with the rear facing windows clearly overlooking the appeal site.
11. Whilst the habitable rooms for the proposed dwellings would be at oblique angles to the terrace, thus affording those rooms some privacy, the garden areas would be exposed to views from the terrace. The proposed gardens, particularly for the plot immediately adjacent to the boundary with the terrace, would provide no private areas for prospective occupiers. This would be harmful to those occupiers' enjoyment and would result in a less than quality environment in which to live.
12. The proposed dwellings would be on an alignment facing northeast, with the plot furthest from the terrace having a greater tilt in that direction. Proposed first floor windows would face into the gardens of Nos. 9, 11 and 13 Stanbrook Road, although I acknowledge No.11 has an outbuilding at the rear of its garden that may block or otherwise obscure direct views to its grounds and those of No.13.

13. Nonetheless, whilst the oblique angle between the proposed development and the terrace may limit direct overlooking of habitable rooms, the garden area of No.9 would be subject to an unacceptable degree overlooking leading to a harmful loss of privacy. I do not find that this harm would be justified by any overlooking that may already exist between properties in this urban area.
14. Whilst alterations to the layout and window positions could be pursued in any reserved matters application, I am unable to see how such could be designed so as not to cause a loss of privacy to either existing or prospective occupiers. On this basis the proposal would harmfully affect the living conditions of neighbours and future residents, contrary to policy CS19 of the CS, which seeks to safeguard the amenity of properties and land.

Effect on integrity of the SPA

15. In 2018 the Court of Justice of the European Union ruled that the decision maker, when considering the effect that a proposal may have on a European Site¹, must consider mitigation within the Framework of an Appropriate Assessment (AA) rather than at the screening stage. This responsibility now falls to me within this appeal.
16. The Habitats Regulations require that permission may only be granted after having ascertained that it will not affect the integrity of the European sites.
17. The appeal site falls within 6km of the SPA. This site is designated at European level for its environmental importance, since it provides habitats for wintering birds, wildfowl and wading birds. The site is used for public recreation and so the proposal, when considered alone or in combination with other schemes, could have significant effects on the quality features of interest of the SPA due to the increased recreational use.
18. When concluding that the scheme, either alone or in combination with other schemes, would have a significant effect on the quality features of interest of the identified European sites, it is incumbent upon me to undertake an Appropriate Assessment.
19. Whilst the main parties agree that mitigation should be provided in the form of a financial contribution of £253.83 per dwelling, the appellant has not secured any mechanism for paying such contributions. Whilst a condition is suggested by the appellant binding any reserved matters submission, securing financial contributions by condition is not an appropriate method². On-site measures to enhance local biodiversity would not overcome the potential effects on the SPA and have not been demonstrated robust or feasible in any event.
20. Since I am dismissing on other grounds, I do not need to undergo the task of Appropriate Assessment in this instance. Nonetheless, on the evidence before me I can only conclude that, in the absence of necessary mitigation, the proposal would have an adverse effect on the integrity of the designated site contrary to policy CS12 of the CS, that gives the highest level of protection for internationally designated sites of biodiversity interest.

¹ Now the National Site Network following withdrawal from the EU

² Planning Practice Guidance Paragraph: 005 Reference ID: 21a-005-20190723

Other Matters

21. It is common ground between the parties that the Council cannot demonstrate a five-year housing land supply and, as such, paragraph 11(d) of the National Planning Policy Framework (the Framework) is engaged.
22. In considering the Framework as a whole, I note paragraphs 180 and 181 of the Framework provide unequivocal protection for sites of high biodiversity importance and a statement that if harm cannot be adequately mitigated, permission should be refused. In the absence of mitigation to compensate for harm to the SPA arising from the proposed development, the Framework provides a clear reason for refusing the development, regardless of the level of housing shortfall. Policy CS12 of the CS is consistent with the objectives of the Framework in this regard and there is, therefore, clear conflict with the Development Plan. The appeal should therefore be dismissed as directed under 11(d)(i) of the Framework.
23. I acknowledge that the appeal scheme may represent an improvement on an earlier scheme determined by the Council, but there remain fundamental harms as identified above. Whilst landscaping could come forward, this would do little to change the effects of a development on the appeal site, which points to the proposal being unsuitable as a windfall opportunity. I do not consider that conditions could be used effectively to overcome the harms identified.
24. My attention has been drawn to other developments in the local area that have been granted planning permission and other proposals on this appeal site that have been refused, although I do not have full details of these cases. In any event, I have determined this appeal on its own merits.

Conclusion

25. For the reasons given above, the appeal is dismissed.

David Wallis

INSPECTOR

Appendix Three: Inspectors EIA Communications



Major Casework Directorate
Temple Quay House
2 The Square
Bristol, BS1 6PN

Customer Services: 0303 444 5000
e-mail: Environmentalservices@planninginspectorate.gov.uk

Gravesham Borough Council Civic
Centre
Windmill Street
Gravesend
Kent
DA12 1AU

Your Ref: 20210137

Our Ref: APP/K2230/W/21/3272575

Date: 14 October 2021

Sent by email:
planning.appeals@gravesham.gov.uk

Dear Sir / Madam,

TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017 (SI 571/2017) ('THE EIA REGULATIONS')

Appeal by: Sean Tofts

Site Address: Land East Of 58 Dover Road Five Ash Road , Gravesend

I refer to the above appeal. The Secretary of State has considered the application in accordance with Regulation 14 (1) of the above Regulations.

The development proposed, namely, Application for outline planning permission with all matters reserved and being for the erection of a pair of 3-bedroom semi-detached dwellings, with associated parking, landscaping, and access, falls within the description at 10 (B) of Schedule 2 to the above Regulations. In the opinion of the Secretary of State, having taken into account the criteria in Schedule 3 to the above Regulations, the proposal would not be likely to have significant effect on the environment for the following reasons:

The Proposed Development is located within the Zone of Influence of the Thames Estuary and Marshes RAMSAR Site, located c. 4km east. The RAMSAR is also designated as a Site of Special Scientific Interest (South Thames Estuary Marshes SSSI), and commencing c. 7km east, a Special Protected Area (Thames Estuary and Marshes SPA). Mitigation is available in the form of a financial contribution to the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring Strategy (SAMMS). Provided this is secured, no significant effects are considered likely.

Considering the nature, scale and location of the Proposed Development and nature of the receiving environment, whilst there may be some impact on the surrounding area and nearby designated sensitive area as a result of this development, it would not be of a scale and nature likely to result in significant environmental impact.

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There would be no likely significant effects in terms of natural resources, waste, noise, contamination, flooding, ecology, arboriculture, landscape and visual, archaeology, cultural heritage, transport, or complex construction. The Threshold Criteria at 10 (B) of schedule 2 to the above regulations are also not exceeded.

Accordingly, in exercise of the powers conferred on the Secretary of State by Regulations 14(1) and 7(5) of the above Regulations, the Secretary of State hereby directs that this development is not Environmental Impact Assessment (EIA) development.

Under regulation 28(1) of the above Regulations, the relevant planning authority must take steps to secure that this screening direction is placed on the part of the Planning Register which relates to the application in question. I would be grateful if you could do so to ensure that the Secretary of State's view is publicly available.

(This direction does not affect any duties of the appellant under other legislation, including The Conservation of Habitats and Species Regulations 2017.)

Yours faithfully

Gary Chapman

Gary Chapman
EIA and Land Rights Advisor
(Signed with the authority of the Secretary of State)

cc: Mr Sean Tofts – Appellant - info@eliteplanning.co.uk

Where applicable, you can use the internet to submit documents, to see information and to check the progress of cases through the Planning Portal. The address of our search page is:

<https://acp.planninginspectorate.gov.uk/>

<https://www.gov.uk/government/publications/planning-inspectorate-privacy-notice>

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**Appendix Four: Inspectors Decision: APP/C3810/W/21/3268934
Land to the South of Downes Way (north of 15 Ambersham Crescent),
Downes Way, Little Hampton BN16 1AA**



Appeal Decision

Site Visit made on 26 August 2021

by J Reid BA(Hons) BArch(Hons) RIBA

an Inspector appointed by the Secretary of State

Decision date: 24 September 2021

Appeal Ref: APP/C3810/W/21/3268934

**Land to the South of Downes Way (north of 15 Ambersham Crescent),
Downes Way, Little Hampton BN16 1AA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The application Ref A/151/20/OUT, dated 13 September 2020, was refused by notice dated 11 November 2020.
- The development proposed is the erection of 1 new detached dwelling with associated landscaping and parking.

Decision

1. The appeal is allowed, and planning permission is granted for the erection of 1 new detached dwelling with associated landscaping and parking at Land to the South of Downes Way (north of 15 Ambersham Crescent), Downes Way, Little Hampton BN16 1AA in accordance with the terms of the application, Ref A/151/20/OUT, dated 13 September 2020, subject to the following conditions:
 - 1) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
 - 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
 - 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
 - 4) The development hereby permitted shall be carried out in accordance with the following approved plan: Drawing 001.

Preliminary Matters

2. The application for outline planning permission was made with all matters, that is, layout, scale, appearance, access, and landscaping, reserved for future consideration. Drawings numbered 002 and 003, which include an indicative layout, elevations, and plans, were submitted with the application for illustrative purposes only.
3. The revised version of the National Planning Policy Framework (Framework) was published in July 2021, after the appeal was made, so the main parties

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were given the opportunity to comment on the changes to the Framework. The comments received have been considered in my determination of the appeal.

4. Any 'Stopping Up' to extinguish existing highway rights at the site would require a separate application made under other legislation.
5. I have used the spelling of the road name 'Downs Way' in my Reasons as seen on the road's nameplates to roughly west of the appeal site at my visit.

Main Issues

6. The main issues are the effect that the proposal would have on:
 - the character and appearance of the surrounding area, and
 - the health and wellbeing of nearby occupiers.

Reasons

Character and appearance

7. The generally flat irregular-shaped appeal site is a mainly grassed area on the south side of Downs Way within a well-planned housing estate in the built-up area of East Preston. The estate is mainly characterised by similar pairs of pitched roofed bungalows set well back from the roads, a few detached bungalows of similar style and siting, and linear terraces of broadly uniform 2-storey dwellings set well apart from one another, in a spacious network of grass verged roads, footpaths, and courts. Some dwellings have been extended but the overall uniformity in their character and appearance has endured. The estate has a strong 'open plan' ambience, and as the few trees dotted through it have had room to grow, they contribute positively to the sense of place.
8. Due to the lack of green space between the end of its private garden and the back edge of the pavement by the parking bay in Downs Way, the dwelling shown on the illustrative plans would look harmfully squeezed in. However, with careful siting of the dwelling and its grounds to maintain the spaciousness in the Downs Way street scene, there would be ample room for a dwelling that would respect the ordered character and spacious layout of the estate.
9. I consider that the proposal would not harm the character and appearance of the surrounding area. It would satisfy Policy D SP1 of the of the Arun Local Plan 2011-2031 (July 2018) (LP) which aims for proposals to make efficient use of land but reflect the characteristics of the site and local area, and LP Policy D DM1 which seeks good design and for proposals to respect or improve upon the character of the site and surrounding area.

Health and wellbeing

10. The site is not designated as open space in the LP, and whilst the Angmering Neighbourhood Plan 2014-2029 (NP) has designated other green spaces within the same estate as Local Green Space, the site is not one of them. The Council says that the site lends itself to physical exercise and health, and that the proposal would erode natural surveillance close by.
11. However, the appellant's NP extract shows that Langmead Recreation Ground is less than half a mile away, so nearby occupiers and future occupiers of the dwelling would have reasonable access to space for physical exercise and their health close to their homes. There is also ample scope for the proposal to

improve natural surveillance at and around the site. Moreover, as the appellant has shown that all of the site could be fenced up to the back edge of the pavement without the need for planning permission, its future availability for informal use by nearby occupiers could not be assured.

12. I consider that the proposal would not harm the health and wellbeing of nearby occupiers. It would not conflict with LP Policy OSR DM1 which aims to protect open space and LP Policy HWB SP1 which aims to promote healthy communities and reduce health inequalities.

Other Matter

13. An interested party's concerns about highway safety were supported by almost no technical evidence. As there would be scope for the proposal to include on-site parking with adequate visibility, highway safety was not a concern in the Council's reasons for refusal, and I see no reason to disagree.

Conditions

14. The Council's suggested conditions have been considered and reworded in the light of Framework paragraph 56 and Planning Practice Guidance. As Drawings 002 and 003 were submitted for illustrative purposes only, the Council's suggested condition identifying the approved plans has been amended, and it is necessary for certainty.

Conclusion

15. I have found that the proposed development would satisfy the Development Plan when taken as a whole. The other considerations in this case, including the Framework, do not indicate a determination otherwise.
16. For the reasons given above, the appeal should be allowed.

J Reid

INSPECTOR

Appendix Five: Inspectors Decision: Appeal Ref: APP/X0415/W/18/3214973 Land south of Woodley Hill, Chesham, Buckinghamshire HP5 1SL



The Planning Inspectorate

Appeal Decision

Site visit made on 12 March 2019

by JP Tudor Solicitor (non-practising)

an Inspector appointed by the Secretary of State

Decision date: 03 May 2019

Appeal Ref: APP/X0415/W/18/3214973

Land south of Woodley Hill, Chesham, Buckinghamshire HP5 1SL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The application Ref PL/18/2681/OA, dated 13 July 2018, was refused by notice dated 18 September 2018.
 - The development proposed is outline application for the erection of a dwelling with off road parking.
-

Decision

1. The appeal is allowed and planning permission is granted for outline application for the erection of a dwelling with off road parking at Land south of Woodley Hill, Chesham, Buckinghamshire HP5 1SL in accordance with the terms of the application, Ref PL/18/2681/OA, dated 13 July 2018, subject to the attached schedule of conditions.

Preliminary Matters

2. The proposal is in outline only with all detailed matters reserved for future consideration. Plans showing possible layout, floorplans and elevations have been submitted, which are described as 'illustrative' or 'indicative'. Given that layout, scale, appearance, landscaping and access are reserved matters, I have treated the plans solely as an indication of how the site might be developed.
3. The description of development in the banner heading and decision above is taken from the Council's decision notice and the appeal form, as it more simply and accurately describes the proposal than that contained in the application form.
4. An updated version of the National Planning Policy Framework (the Framework) was published in February 2019. However, as the alterations are minor it has not been necessary to revert to the parties for further comment.
5. It is agreed between the parties that the Council cannot demonstrate a 5-year housing land supply (HLS). Therefore, as the proposal is for the provision of housing, paragraph 11.d) and footnote 7 of the Framework indicate that the policies in the development plan which are most important for determining the application are out-of-date, and that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the Framework taken as a whole. I have considered the appeal on that basis.

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Main issues

6. The main issues are the effect of the proposed development on:
- the character and appearance of the area; and,
 - the living conditions of existing neighbouring residents and future occupiers of the site, with particular regard to privacy and outlook.

Reasons

Character and appearance

7. The appeal site comprises a roughly triangular grassed area on the southern side of a road, known as Woodley Hill, near its junction with Bois Moor Road. To the rear at the top of a bank is a railway line whilst three single storey garage blocks lie just to the north-west of the site.
8. It is submitted by the Council that Woodley Hill is characterised by terraced dwellings of similar appearance, scale and form. The gable end of a late nineteenth century terrace faces the appeal site. Opposite that terrace on Bois Moor Road are Arts and Crafts style semi-detached houses with hipped roofs. Along Woodley Hill there are short terraces, albeit of different designs and eras, but there are also detached and semi-detached houses. Overall, the housing is of a variety of styles, types and ages with little overarching homogeneity. Therefore, I do not agree with the Council that a detached dwelling would necessarily appear discordant, especially given that scale and appearance are reserved for future consideration.
9. Although the site is irregular in shape, whereas most nearby plots are roughly rectangular, it does not appear to be markedly smaller than some other plots. The indicative plans show a dwelling facing the road and set back about 1.5 metres from it. Whilst layout is a reserved matter, that potential orientation reflects other road-facing dwellings along Woodley Hill. The set-back would be less than many of the more modern housing but some other buildings and flats are also sited near the road. In any case, the existing garages would provide some visual separation between the proposed house and the next dwellings on that side of the road. Therefore, I do not see that the plot shape or size and likely setback would result in incongruity in the street scene or that a dwelling sited upon it would necessarily be imposing, taking into account that scale, appearance and landscaping are all for future consideration.
10. The Council says that the open nature of the appeal site contributes positively to the area. However, it is not designated green space and whilst some local residents say that children have used it as a play area, it is also said to be used as an informal parking area for several vehicles, which given its proximity to existing garages may not be surprising. Indeed, a number of residents have objected to the loss of the area for parking. During my site visit, at about 1630 hours on a Tuesday, two cars were parked on the site. As the land is in private ownership and not subject to designation there is no formal protection for such uses. Given the modest size of the grassed area, its proximity to utilitarian blocks of garages and informal use for vehicle parking, I consider that it makes a very limited contribution to openness or the character of the area.

11. The above factors lead me to conclude, bearing in mind that the proposal is in outline only, that it would not have a significant adverse effect on the character and appearance of the area. Therefore, the proposal does not conflict with policies GC1 or H3 of the Chiltern District Local Plan (LP)¹ or policy CS20 of the Core Strategy for Chiltern District (CS)², which together seek to ensure high standards of design which reflect and respect the character of the surrounding area. It would also comply with similar policies within the Framework.

Living Conditions

12. The Council Officer's Report expresses concern about possible overlooking of the rear gardens of the terrace, which are side-on to the appeal site. The Council's Appeal Statement also suggests that the proximity of the new dwelling to those neighbouring occupiers would be dominant and overbearing.
13. However, those gardens are situated on the other side of the road from the proposed dwelling, which would provide a reasonable separation distance between them. Furthermore, the gardens are already overlooked from the first floor rear windows of neighbouring houses along the terrace. Therefore, combined with the fact that layout, scale and appearance are reserved matters, which would include aspects such as the location and type of windows, I see no reason why development on the site should lead to significant additional overlooking. Similarly, given the separation distance and relative orientations, it is not likely that a dwelling on the site would have an overbearing or confining effect on neighbouring residents opposite.
14. The Council's decision notice suggests that the new dwelling, as shown on the indicative plans, would be overlooked from the gable end windows of the adjacent terrace. There are three windows on that elevation and the two at ground floor level are obscure glazed. The first floor window is also a reasonable distance away and, based on the indicative plans, would face towards the side garden of the new property. As such, possible overlooking would not be beyond what might be expected in a residential area. Moreover, such factors could be taken into account in any final scheme submitted at the reserved matters stage.
15. Concerns were also expressed by the Council about a sense of enclosure for occupiers when using the rear amenity space. However, the indicative plans show the main garden area to the side of the property rather than to the rear. Whilst there appears to be limited space to the rear on the illustrative layout, the Council Officer's Report acknowledged the outline nature of the proposal and noted variation in the level of outdoor space at other dwellings in the area, concluding that the provision could be comparable. As there are trees to the rear of the site leading up towards the railway, I see no reason why an acceptable outlook from the rear of the dwelling or outdoor spaces could not be achieved.
16. Therefore, again taking account of the outline nature of the proposal, I conclude that the development would not harm the living conditions of neighbouring residents or future occupiers of the site, with particular regard to privacy or outlook. Accordingly, the proposal would comply with LP policy GC3

¹ Adopted 1 September 1997 (including alterations adopted 29 May 2001), Consolidated September 2007 & November 2011

² Adopted November 2011

which seeks to protect the amenity or living conditions of occupiers of existing neighbouring properties and future occupiers of a development from being impaired to a significant degree. It would also be in accordance with similar protection referred to in Framework paragraph 127.f).

17. LP Policy H14 cited in the Council's decision notice concerns effects on living conditions in relation to 'extensions'. Therefore, it is not directly relevant to a proposal for a dwelling.

Other Matters

18. In addition to the issues dealt with above, local residents have expressed a range of other concerns. The loss of the site for parking has been referred to. Whilst I appreciate that there may be parking issues in the area, as the site is private land and the appellant advises that the parking on it is unauthorised, that aspect has limited relevance to this proposal. Equally, as the land is private, there is no evidence of a right to use it as a children's play area, which in any case would not appear readily compatible with its alleged use as a parking area for a number of vehicles. The highway authority has not objected and has advised that the level of vehicle journeys likely to be generated can be accommodated within the local highway network, with other detailed considerations to be considered at the reserved matters stage.
19. Issues have also been raised about land ownership of proposed parking areas adjacent to the garage blocks, along with questions about rights of way and access to garages and parking spaces. These are ultimately private civil matters to be resolved between the appellant and other relevant parties or landowners. Some residents have referred to the scale and appearance of the dwelling, boundary treatments such as walls, landscaping and access. However, as the proposal is in outline with all matters reserved, those specific details would be determined under future planning applications at the reserved matters stage. The plans submitted are indicative only and intended to illustrate that the site could accommodate a dwelling and show a possible layout and design.
20. Concerns about construction traffic have been raised, but most development entails some disturbance. In this case, the proposal is for one house so disruption should be relatively limited and for a temporary period. Effects on ecology, in relation to frogs, have been raised but the Council's Ecology Officer is satisfied that the proposal itself is unlikely to lead to significant impacts on biodiversity. The removal of a tree has been referred to by several residents but there is no indication that the tree was protected and, as it has already been removed, it is not directly relevant to the current proposal before me. Therefore, I see no clear reason to take a different view from the Council on those matters. A condition could also be included to ensure some biodiversity protection and enhancement measures.
21. Whilst I have fully considered the various issues raised, along with others including alleged effects on drainage, noise and loss of views, they are either not relevant planning considerations or not of sufficient weight to lead me to alter my decision.

Conditions

22. The Council has suggested conditions which I have considered, making amendments and minor corrections, if necessary, to ensure clarity and compliance with the tests contained in the Framework³ and the Planning Practice Guidance (PPG). Conditions regarding reserved matters and time limits are required by statute. A condition relating to parking and manoeuvring space is necessary for highway safety.
23. A condition relating to biodiversity to mitigate any adverse effects and provide enhancements is appropriate and supported by paragraph 175.d) of the Framework. I have amended the condition so that details are required prior to above ground works as there is no clear justification for such details to be provided before commencing development. Conditions relating to land contamination are necessary to assess and minimise any risks to future occupiers or neighbouring land. I have amended the Council's suggested conditions for clarity and precision, but the overall content is similar.
24. It is important that details concerning contamination, required by conditions 6 and 7, are agreed prior to commencement to ensure that an appropriate assessment, investigatory and, if necessary, remediation scheme is in place before works on site begin to minimise risks to occupiers or neighbouring land.

Conclusions

25. The Government's objective is to significantly boost the supply of homes.⁴ The proposed development would contribute to the supply of housing, which is of particular relevance given that the Council is unable to demonstrate a 5-year HLS. Although the extent of the shortfall is unclear, the Council has not specifically disputed the 2.5 or 3-year HLS figures suggested by the appellant. There would also be some economic benefits during construction, in the form of short-term employment and the purchase of building materials.
26. Future occupiers would contribute to the local economy and be likely to use local services and facilities, helping viability. They would also potentially participate in the community, which also contributes to the social objective of sustainable development. Whilst all contributions have some value, as the proposal would provide just one dwelling the benefits would be relatively limited. Nevertheless, paragraph 68 of the Framework indicates that small and medium sized sites can make an important contribution in delivering homes and that the development of windfall sites should be supported, especially within existing settlements.
27. In accordance with paragraph 11.d) i. and footnote 7 of the Framework, there are no Framework policies which protect areas or assets of particular importance relevant to this proposal. Some Framework policies, as already detailed, offer support for the proposal whilst I have not identified material harm in respect of other Framework policies, such as those dealing with character and appearance and living conditions.
28. Therefore, as I have found no material adverse impacts associated with granting permission, it follows that they cannot significantly and demonstrably outweigh the benefits, even if such benefits are relatively limited, when

³ Paragraph 55

⁴ Paragraph 59 of the Framework

assessed against policies in the Framework taken as a whole. Accordingly, the proposal attracts the presumption in favour of sustainable development referred to in paragraph 11 of the Framework, which weighs in its favour.

29. Given that the relevant development plan policies are broadly consistent with the Framework, they still attract weight. However, as I have not found material conflict with them, the proposal also complies with the development plan.
30. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

JP Tudor

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) Prior to the occupation of the development, space shall be laid out within the site for parking and manoeuvring, in accordance with details to be submitted to and approved in writing by the local planning authority. This area shall be permanently maintained for that purpose.
- 5) No above ground works shall commence until details of built-in biodiversity enhancement measures including at least 2 x bird nesting and 1 x bat roosting devices have been submitted to and approved in writing by the local planning authority. The approved measures shall be incorporated into the scheme and be fully constructed prior to occupation of the approved dwellings and retained as such thereafter. In addition, details of boundary treatments must be submitted, which provide access for wildlife across the site.
- 6) No development shall commence until an assessment of the risks posed by any contamination shall have been submitted to and approved in writing by the local planning authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The assessment shall include:
 - i) a survey of the extent, scale and nature of contamination;

- ii) the potential risks to:
 - human health;
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
 - adjoining land;
 - ground waters and surface waters;
 - ecological systems; and
 - archaeological sites and ancient monuments.
- 7) No development shall take place where (following the risk assessment) land affected by contamination is found which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme shall have been submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use. The approved remediation scheme shall be carried out and upon completion a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority before the development is occupied.
- 8) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.

END OF SCHEDULE