



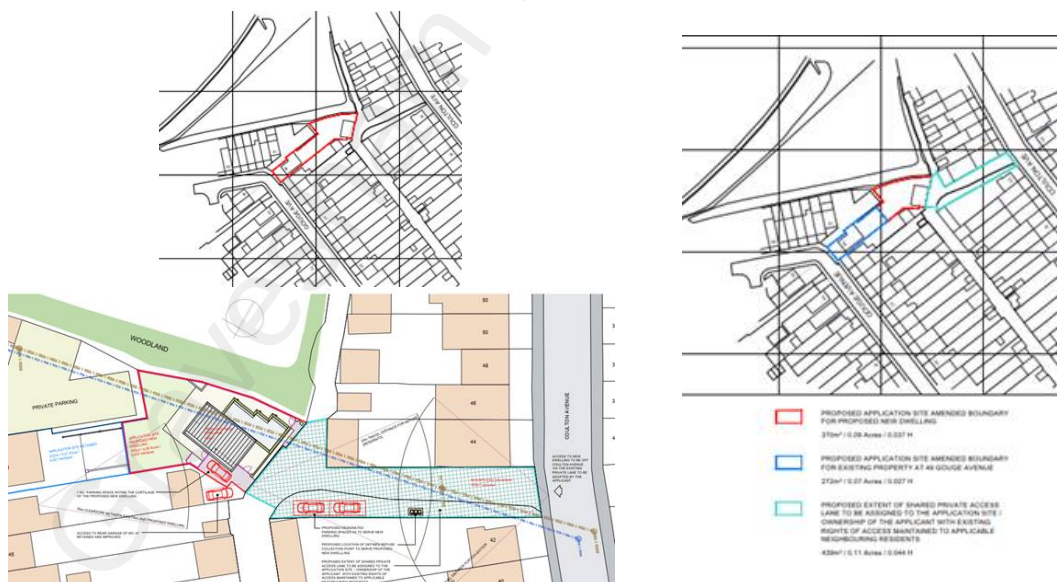
Delegated Report

Full Planning Application

Application No:	20220379
Location:	49 Gouge Avenue, Northfleet, Gravesend, Kent, DA11 8DP
Description:	Demolition of an existing single-storey garage outbuilding and the construction of a replacement single-storey two-bedroom dwelling. The redefinition of the existing application site boundary into two separate titles for both the existing property at 49 Gouge Avenue and the proposed new property to be accessed off Coulton Avenue.
Applicant:	Mr Matthews
Site Visit:	N/A Desktop Assessment

Procedural Note

The development proposes the adoption of the part of the access lane from Coulton Avenue into the ownership of the new dwelling. However this land has not been included in the redline plan. The redline location plan should include all land necessary to carry out the proposed development, including land required for access to the site from a public highway. It is noted that the access lane is highlighted in a light blue colour (see screenshots below), however this should be within the redline:



If permission was likely to be forthcoming, the agent would have been contacted regarding this procedural error and the matter would have been rectified.

Submitted Documents/Plans

Application Form - dated 30/03/2022;
Cover Letter - dated 30/03/2022;
Drawing no. 21307 - P1 - Design Statement - dated 03/2022;

Drawing no. 21307 001 - P1 - Location Plan - Title Plan Proposed;
 Drawing no. 21307 002 - P1 - Block Plan Existing - Block Plan and Roof Plan Proposed;
 Drawing no. 21307 010 - P1 - Ground Floor Plan Proposed - Site Plan Proposed; and
 Drawing no. 21307 020 - P1 - Building Elevations and Section Proposed.

Relevant Planning History

Reference	Description	Decision	Decision Date
20191310	Erection of a one bedroom detached bungalow in rear garden.	REFUSED	12.02.2020
20130578	Erection of a detached two bedroom bungalow in rear garden.	REFUSED	30.08.2013
AP 2013/00030/ REF		APPEAL DISMISSED	03.07.2014

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 - Sustainable Development
- CS02 - Scale and Distribution of Development
- CS05 - Gravesend Town Centre Opportunity Area
- CS10 - Physical and Social Infrastructure
- CS11 - Transport
- CS12 - Green Infrastructure
- CS14 - Housing Type and Size
- CS15 - Housing Density
- CS18 - Climate Change
- CS19 - Development and Design Principles

Gravesham Local Plan: First Review (1994)

- P3 - Vehicle Parking Standards
- T1 - Impact of Development on the Highway Network
- T5 - Access to the Identified Highway Network

Paragraph 33 of the NPPF (2021) sets out that policies within adopted local plans should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. Such reviews are also a legal requirement as set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012.

The Council undertook such a review in September 2019 and found that the adopted Local Plan Core Strategy is in need of a partial review in terms of Policy CS02, due to the increased need for housing since the Local Plan Core Strategy was adopted and the need to ensure that a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) generally conform with the NPPF (2021), the Council will also seek to replace these.

National Planning Policy Framework (2021)

- Section 2 - Achieving sustainable development
- Section 4 - Decision-making
- Section 5 - Delivering a sufficient supply of homes
- Section 8 - Promoting healthy and safe communities

- Section 11 - Making effective use of land
- Section 12 - Achieving 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)
- Householder Extensions/Alterations Design Guide (2021)

Consultations, Publicity and Representations

External Consultees

Local Ward Councillors - No comment received.

Network Rail - (relevant from previous application ref. 20191310)

The developer **must** ensure that their proposal, both during construction and after completion of works on site, does not:

- Encroach onto Network Rail land
- Affect the safety, operation or integrity of the company's railway and its infrastructure
- Undermine its support zone
- Damage the company's infrastructure
- Place additional load on cuttings
- Adversely affect any railway land or structure
- Over-sail or encroach upon the air-space of any Network Rail land
- Cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future

The developer should comply with the following comments and requirements for the safe operation of the railway and the protection of Network Rail's adjoining land.

Internal Consultees

GBC - Highways Officer - This is a complex application.

1. The matter of access does not appear to be resolved. The applicant either has a right of access over the rear access or he does not, this should be detailed in the deeds of his property along with any liabilities he may have regarding maintenance etc.
2. I note the proposal involves building over two sewers, this may or may not be acceptable to Southern Water, an uninhabited garage is one thing a dwelling another.
3. The proposed dwelling is some 45 metres away from the public highway and as shown, even if the access is improved, it does not benefit from any lighting which could deter pedestrian access to the property in poor light. A pedestrian route should be clearly defined and protected by a slight kerb, to allow over running if necessary but forming a clear delineation between footway and carriageway, but ideally some form of lighting would still be required to provide some sense of security for pedestrians.
4. A two bedroom property only requires a single car parking space, but does require provision for the secure parking of two cycles, to conform to the guidance in SPG4
5. The location of the bin collection point could be considered a hazard unless it is protected by a slight kerb and lighting and also it appears is currently outside the ownership of the applicant and would require the current land owner's permission.
6. Reference is made to the access to the garage at the rear of number 47 to be improved, this

access appear to be currently restricted and providing the proposal does not result in any deficit I do not believe it to be a planning issue. However, any improvement being promoted as part of the development would need to be protected by a suitable condition or undertaking to ensure the improvement is maintained, in this case the occupier would require a right to pass over the new driveway.

7. Whilst this property is served by a private drive, suitable visibility should be provided for both vehicles and pedestrians requiring to access/egress the property. Without the benefit of a footway or margin to provide protection, it is recommended that a visibility splay at the access point should be 11m x 2.4m x 11m to comply with the requirements of Manual for Streets for a 10mph environment, this would require some modification of the proposal and also passes outside the boundary of the site and cross over number 47.

As presented, I consider the application to be premature with issues at present unresolved. To be a sustainable location I believe the site should be served by a suitably constructed footway with lighting to provide a safe and secure pedestrian access. The proposed refuse collection point is currently on land outside the applicants control and it appears no notice has been served on the landowner(s), ditto for the proposed improvements to the access. There are no details regarding how the improved access will drain, a bound permeable surface should ideally be used, but subject to Building Regulations and Southern Water, soakaways may be possible or a connection to the surface water sewer. (I'm assuming the reference to the surface water drainage on the application form being to the main sewer currently only refers to the dwelling).

I would suggest this application should be refused as without the access issues being resolved the site is not sustainable.

GBC - Regulatory Services (Environmental Protection - (relevant from previous application ref. 20191310)

It appears that part of this land was historically used as a haulage contractor's yard. The following is therefore considered necessary.

- *Contaminated land* - No development approved by this permission shall be commenced prior to a suitable contaminated land desk study (in accordance with the CLEA guidelines and CLR 11 methodology) and if necessary an associated remedial strategy, together with a timetable of works, being submitted to the Local Planning Authority for approval

Neighbouring properties

A notice was displayed on site 20th April 2022.

In addition, nine surrounding properties were consulted and five representations were received. The neighbours registered objection to the development. The representations all expressed concerns with the 'adoption' of the shared access lane and the impacts related to this, which included:

- Obstruction of the lane - concern for emergency service access
- Blocking up of the lane - inhibiting access into garages
- Reduction of the width of the lane
- Communal lane - concern that assigning ownership and potential impacts/disputes
- Lane is used for access to garages, not for residential purposes

One representation also raised concern with overlooking.

The consultation period expired 13th May 2022.

Preliminary Matters

The site has been subject to two previous planning refusals for similar developments (refs. 20191310 /

20130578). The 2013 refusal was also dismissed at appeal. As the two refusals were for similar development to that proposed in this application, the reasons for refusal are material considerations.

20191310

The most recent application proposed the “Erection of a one bedroom detached bungalow in rear garden.” This application was refused for the following reasons:

1. *The proposed dwelling in the rear garden of 49 Gouge Avenue by virtue of its siting, size, bulk and massing would appear as a cramped form of development and would constitute an overdevelopment of the garden. This would be out of keeping with the relatively spacious character of the dwellings in the surrounding area. As such, the proposal is contrary to Policies CS14, CS15 and CS19 of the Gravesham Local Plan Core Strategy September 2014 and Section 12 of the National Planning Policy Framework (2019) which seeks to ensure that new development is, amongst other things, locally distinctive and reinforces the local character of the area.*
2. *The proposed plans show the dwelling would be served by one parking space which has no access to the highway network and is some 21 metres from the proposed dwelling resulting in future occupier having to walk 21 metres along a narrow alleyway to access the dwelling. As such, the proposal would be detrimental to highway and pedestrian safety and therefore contrary to Policy CS11 of the Gravesham Local Plan Core Strategy, September 2014 and saved Policy P3 of the Gravesham Local Plan First Review, 1994.*
3. *The proposed dwelling would provide extremely poor living conditions to the future occupiers of the dwelling and would cause material harm to their amenity and privacy due to a wholly inadequate poor outlook with the close proximity of the existing quadruple garage which is to be retained at the rear of the host dwelling and unacceptable access to the dwelling. In addition there is no access to the highway network for occupiers who would need to bring their weekly bin collection to the kerb. As such, the proposal is contrary to Policy CS19 of the Gravesham Local Plan Core Strategy, September 2014 which seeks to ensure, amongst other things, that new development shall avoid causing harm to the amenity of its occupants and to incorporate appropriate facilities for the storage and recycling of waste.*
4. *The applicant has failed to provide any ecological evidence to inform a habitat regulations assessment to address the impact of the proposed development on the Thames Estuary and Marshes Ramsar site and Special Protection Area (SPA) or offered a financial contribution towards the identified mitigation measures to address the impact of the development on the SPA/Ramsar site. The proposal is therefore contrary to Policy CS12 (Green Infrastructure) of the Gravesham Local Plan Core Strategy (2014) which seeks to ensure that detrimental effects on the integrity of SPA/Ramsar sites are avoided, and also contrary to Paragraphs 175 and 176 of the NPPF (2019).*

20130578

The first refusal proposed the “erection of a detached two bedroom bungalow in rear garden”. This application was determined under historic planning policy, prior to the adoption of Gravesham’s Local Plan Core Strategy (LPCS) (2014), and therefore its relevance must be carefully considered. However, the proposal was refused by the Local Planning Authority for the following reasons:

1. *This application stands to be assessed in accordance with paragraph 53 of the National Planning Policy Framework (NPPF), policies TC1, H2 and H3 of the Gravesham Local Plan First Review 1994, policies H3, H4 and BE12 of the Gravesham Local Plan Second Review Draft Deposit version 2000 and emerging Core Strategy policies CS15 and CS19 of the Submission Version of the Gravesham Local Plan Core Strategy 2012. These policies seek to resist the inappropriate development of residential gardens or back land development where such*

development would cause harm to the local area, local amenity and character or not meet satisfactory levels of amenity. In this instance the proposed single storey dwelling in this location would appear as an isolated building out of keeping with the pattern of development in the area and at odds with the character of the area. It would also appear unduly prominent when viewed from neighbouring gardens or the rear alleyways and therefore would be contrary to adopted development plan policy and national planning guidance.

2. The proposed single storey dwelling would be a cramped form of back land development, notwithstanding levels of amenity space, by reason of its siting, orientation and lack of road frontage, constrained and hemmed in by the proximity of the existing quadruple garage which is to be retained at the rear of the host dwelling and the proximity of the adjacent banked and wooded area to the north. The principal means of access for the proposed dwelling for both vehicles and pedestrians would be by unmade alleyways running at the rear of Coulton Avenue and Gouge Avenue. This would present an unsatisfactory outlook for the future occupants of the dwelling and a poor setting and poor level of environment contrary to the aforementioned planning policies.

This application was also dismissed by the Planning Inspectorate at appeal.

Conclusion

As aforementioned, the two refusals were for similar developments and are therefore material planning considerations for the current application. Although the older refusal pre-dates the adoption of Gravesham's LPCS, the appeal decision is relevant and must be considered as part of this application.

Officer's Analysis

Site Description

The application site accommodates a three-bedroom detached two-storey family dwelling. The property benefits from two off-road car parking spaces, a generous rear private garden and a detached triple garage outbuilding located at the rear of the site. The dwelling is accessed off Gouge Avenue, while the rear garage is accessed off Coulton Avenue by a shared private lane.



Development Proposal

This application proposes to construct a two bedroom bungalow within the curtilage of no.49 Gouge Avenue. The proposed dwelling will be accessed using the shared lane from Coulton Avenue and will have a footprint of 106.9m², with has associated parking. The garden will be subdivided with the host property (no.49 Gouge Avenue) retaining approximately 123m² of garden area.

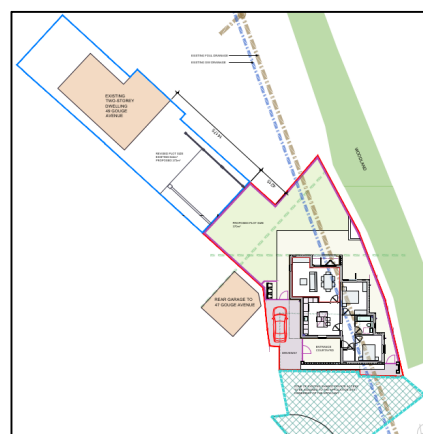
The new dwelling will have a pitched roof with a maximum height of 4m and an eave height of 3.15m. It will have a staggered width, with a lower flat roof section to the north. The maximum width of the property will be 10.45m and the total depth of the dwelling will be 13.65m. The property will be finished in a modern palate of materials with a mix of timber cladding, facing brickwork and pebbledash render, with a zinc roof. The screenshots below demonstrate the 3D conceptual drawings of the proposed dwelling:



The application proposes to assign ownership of the vehicle access lane from Coulton Avenue to the application site. The property would be up to 50m from Coulton Avenue and the access lane is unlit and serves approximately 55 properties. This access is currently unregistered and there is no guarantee the applicant would be able to acquire ownership or make any surface improvements and install lighting in the future.

The proposed dwelling will have an open plan living/diner area at the rear, a contained kitchen, with two double bedrooms and a family bathroom. The sizes of each room and the proposed garden area are as follows:

Room	Area
Living/Diner	25.7m ²
Kitchen	19.85m ²
Bedroom 1	12.45m ²
Bedroom 2	10.55m ²
Bathroom	5.2m ²
Garden	185m ²



Housing Need

Given Gravesham's current inability to demonstrate a 5 year housing land supply (a 3.27 year supply has most recently been calculated within the statement published here), and as the delivery of housing was substantially below (less than 75%) that required by the Housing Delivery Test, the housing delivery element of Gravesham's Local Plan Core Strategy (LPCS) (2014) Policy CS02 must be regarded to be out of date, as required by the Paragraph 11(d) of the National Planning Policy Framework (NPPF) (2021). This requires that in regard to housing development, planning permission should be granted unless:

- the application of policies in this Framework that protect areas or assets of particular importance

- provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

In the Gravesham context, the policies referred to in paragraph 11(d)(i) above are those set out in the NPPF at footnote 7 (rather than those in development plans) relating to any of the following:

- Habitats sites (and those sites listed in NPPF paragraph 182)
- Sites of Special Scientific Interest;
- Green Belt,
- Local Green Space,
- Areas of Outstanding Natural Beauty
- Irreplaceable habitats;
- Designated heritage assets (& other heritage assets of archaeological interest, see NPPF footnote 68); and
- Areas at risk of flooding or coastal change.

In determining applications for planning permission involving housing, the Council will therefore apply a weighted balance in favour of granting planning permission in accordance with relevant case law and guidance, having regard to the acceptability or otherwise of the proposals when evaluated against development plan policy, the need to make efficient use of land (paragraph 125(c)) in context, the relative contribution the proposal makes towards the alleviation of any shortfall in housing delivery at that time and any other considerations material to the proposed development.

The proposed development for a net increase of '1' residential units would offer a minimal but important contribution towards meeting this local need and, accordingly, officers considers that this should be accorded appropriate weight in support of the application. However, this has to be balanced against other requirements of the NPPF (2021) which requires new development to contribute positively to the overall quality of the area, be visually attractive, sympathetic to local character and create acceptable amenity for future occupiers.

Density of Development

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

Principle of Development

The site is defined on the Policies Map of the Gravesham Local Plan Core Strategy (the Core Strategy) as lying within the urban boundary of Gravesend, Northfleet and Ebbsfleet. Therefore, the site is within the urban area of Gravesend and Policy CS02 (LPCS) prioritises development in the urban area as a sustainable location for development. As such, there is no objection to the broad principle of residential development within this location subject to it meeting the detailed requirements of government and development plan policy, which will be assessed in later sections of this report.

The principle considerations in the assessment of this application are:

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

Design, Character and Appearance

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

The surrounding area of Gouge Avenue and Coulton Avenue is characterised by properties with long rear gardens in which there are numerous sheds, outbuildings and garages. The existing garage outbuilding serving 49 Gouge Avenue will be demolished and replaced by the new dwelling, which will be surrounded by other garage structures located on the shared access track. These garage outbuildings on this track are varied in terms of height and design, however are all clearly defined as outbuildings for vehicular parking and the proposed dwelling would appear as an isolated residential property, in a location that is out of keeping with the established development pattern of the area.

The bungalow would have a larger footprint than the existing quadruple garage but at a height of 4m would be higher and more prominent in the locality than many of the other outbuildings or garages. It is considered, similar to how the Inspector concluded the dismissed appeal, that the “introduction of a dwelling at the rear would be a distinct contrast to the existing terraced blocks and detached dwellings in the area”. The use of a modern palate of materials will not have any visual or physical similarity with the surrounding pattern of development, and the proposed dwelling would be a “piecemeal development” that stands out as an incongruous feature, harmful to the character and appearance of the area. As such, the proposal is contrary to Policy CS19 (LPCS) and Section 12 of the National Planning Policy Framework (NPPF) (2021).

Moreover, there are no comparable examples of residential properties located on a shared access lane serving the extent of properties as is proposed. An example has been put forward in the Design and Access Statement (DAS), arguing that a similar pattern of residential development has been established to the rear of 44 and 46 Gouge Avenue where two single storey dwellings have been constructed on an access serving two properties. However, this is not considered comparable given that the access on which this proposed dwelling is located serves up to 55 properties. Therefore, the two properties referenced in the DAS are in a more appropriate environmental setting with less intense use of the access lane and have a shorter distance to a road frontage. In addition, these two dwellings were permitted in 2003 under a historic planning policy context.

Therefore whilst the site is within the urban area of Gravesend, the principle of redevelopment on this site is not acceptable as the application site is not considered appropriate for an additional residential dwelling. Essentially this is the same as the dismissed appeal, which will be at odds with the character of the area but also an inappropriate location. The proposal therefore fails to meet the requirement of Policy CS15 (LPCS), which at 5.11.16 states all new housing will be developed at a density that is consistent with achieving good design and does not compromise the distinctive character of the area in which it is situated.

Amenity of Future Occupiers

Policy CS19 (LPCS) requires that all development should be ‘fit for purpose’ and be ‘adaptable to allow changes to meet the need of users’ and that ‘the design and layout of new residential development, including conversion, will accord with the adopted Residential Layout Guidelines’ (RLG) (2020). Moreover, on 25 March 2015 the Government issued a written ministerial statement, which introduced new technical housing standards in England and set out how these would be applied through planning policy. These standards came into effect on 1 October 2015.

The proposed dwelling has a gross internal floor area of 86.5m². The Nationally Described Space Standards (2015) states that a two-bedroom single storey dwelling, with bed spaces for 4 people, should have a minimum floor area of 70m², with built-in storage space of 2m². Therefore, the proposed dwelling is

in accordance with the NDSS. However, Gravesham's RLG breaks down the Council's individual requirements for certain rooms, these have been formulated into a table to compare with the floor area of rooms within the proposed dwelling.

	RLG (minimum floor area)	Proposed Room Size
Living/Diner	25.2m ²	25.7m ²
Kitchen	7.2m ²	19.85m ²
Double Bedroom	11.2m ²	12.45m ²
		10.55m ²
Bathroom	3.6m ²	5.2m ²

Table 2 has been colour coded (green complies, red fails) to show which rooms within the dwelling meet the guidance within the RLG. The table demonstrates that the majority of rooms are in accordance with the recommendations and will provide acceptable living conditions for future occupiers, with the exception of the second double bedroom.

The garden area for the proposed dwelling includes the refuse area, which reduces the area. The garden for the two bedroom dwelling will be approx. 185m², which includes the narrow space at the side of the building. The RLG states that the garden area for a two bedroom dwelling should have a minimum area of 37.2m² and a minimum depth of 7.6m. Therefore, the amenity space provided is in accordance with the RLG.

There are concerns that the private amenity space of the new dwelling will be overlooked by no.49 Gouge Avenue. The RLG states that the minimum window-window distance, over private garden area, should be 26m, and in this case is 25m to the rear wall of the new dwelling. Although the habitable rooms of the new property will not be directly overlooked, the private amenity space is considered to be the first 5m of the garden, which will be within 20m of the upper floor windows of 49 Gouge Avenue. Therefore, the private within the garden of which future occupiers of the dwelling should expect to enjoy would be impacted by virtue of proximity to the existing property.

The only means of access for future occupiers of the dwelling will be along the access lane from Coulton Avenue. The access lane has a width of 4.8m and the proposed dwelling is approximately 50m from the highway. As aforementioned in this report, the access is not within the ownership of the applicant and falls outside the applicant site, which means that no improvements can be made to the lane at present. The lane presents a clear danger to pedestrians by virtue of no defined footway and that the lane being unlit with a significant number of garages, many of which have poor visibility for vehicles. Moreover the location of the dwelling represents a poor means for access of deliveries, visitor, tradesmen, services and other callers. As such, the proposed dwelling represents a poor living environment for future occupiers.

This poor environmental setting would be exacerbated by the lack of frontage to the dwelling as it would be facing onto a brickwork screen wall, which blocks view out onto the access and garages on the lane. This would present a poor outlook for the occupants of the dwelling. However, the design of the dwelling and the requirement of the brickwork screen creates the impression of a compound for security reasons, and confirms the poor environment for a residential property. The development of a residential property on a quiet route with minimal movement or human activity, that is unlit with a lack of surveillance goes against designing out crime principles and further reinforces that this is a poor living environment for future occupiers. In addition, the dwelling would be a very cramped form of development being hemmed in by the garage serving no. 47 Gouge Avenue and the banking to the north of the site.

In summary, the proposed development would provide poor living conditions to the future occupiers of the development and would cause material harm to their amenity. As such, the proposal is contrary to Policy CS19 (LPCS) and Section 12 of the NPPF (2021).

Neighbouring Amenity

Policy CS19 (LPCS) requires new development to safeguard the amenity, including privacy, daylight and sunlight, of its occupants and those of neighbouring properties and land and paragraph 127 of the NPPF (2021) requires development to have a high standard of amenity for existing users (in this case surrounding properties).

The location of the proposed dwelling, its siting and lower height mean that it will be unlikely to result in any impact in terms of privacy, overshadowing, outlook or sense of enclosure. Moreover, the distance to no. 49 Gouge Avenue is sufficient to not result in any harm to amenity.

The DAS sets out that the ownership of the access lane will be assigned to the future occupants of the dwelling. As aforementioned within this report, the access lane is shared by up to 55 properties who require use to park vehicles within their garages. This was an area of concern raised in all neighbour representations. The access lane would remain shared, even if ownership is transferred, which would lead to conflict with additional vehicles entering and leaving to access the new houses and those accessing the existing private garages. There would also be conflict between additional pedestrians (including children as family houses are proposed) and vehicle movements to and from the garages.

Overall, the proposed development is not considered to have any detrimental impact on the amenity of adjoining properties in accordance with Policy CS19 (LPCS) and Section 12 (NPPF).

Parking and Highways

Saved policy T5 of Gravesham Local Plan First Review (1994) states the formation or the intensification of use of existing accesses to roads forming the highway map will only be permitted if no danger would arise.

In this instance the proposed development is back land development which relies solely for its access on a vehicle access lane, which has no lighting and no realistic prospect of being maintained in the future as the land is not within the ownership of the applicant. As referenced above, the lane has no defined pedestrian route and many of the garages have poor visibility, which presents a risk to safety. Although the supporting documents state that improvements will be made to the access lane, this would not overcome the pedestrian safety issues of future occupiers having to use this unmade un-light access way as there sole entrance to the dwelling.

In addition, the intensification of vehicular use of the access lane post-development will increase conflict between users of the lane, which would also increase the potential risk to pedestrians.

As such, the proposed dwelling by virtue of its location and the unregistered land required for access is unacceptable in highway terms.

Any Other Material Planning Considerations

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

The submitted plans show different bin/refuse areas. One location shows the bin store within the curtilage of the new dwelling and the other shows bins stored on the access lane. Either way the bins will have to be dragged a minimum distance of 20m to Coulton Avenue. The Council are unlikely to collect the bins from this location which is considered an excessive dragging distance, and as such would likely be the responsibility of the occupants to place the bins on Coulton Avenue on collection day. The placement of these bins could cause conflict with neighbours or potentially block the access lane. However, if the application were to be supported conditions regarding the refuse arrangement could be attached to ensure a satisfactory strategy.

Drainage - Policy CS18 (LPCS) sets out the requirements for dealing with sustainable drainage and surface

water run-off. If the application was to be supported the standard KCC condition on sustainable surface water drainage would be included which would require the following:

1. Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the Council.
2. Details of operation and maintenance of the sustainable surface water drainage scheme.
3. Verification Report pertaining to the surface water drainage system.
4. Details of infiltration if used to manage flood water.

In summary, it is considered that the proposal would not conflict with Policy CS18 (LPCS) in regard to drainage matters.

Contaminated Land - Policy CS19 (LPCS) and Paragraph 174 of the NPPF (2021) require new development to avoid adverse environmental impacts of land contamination and remediating contaminated land. As the site has historic commercial uses and near historic landfill sites if the application were to be supported a condition would be attached to ensure that a contaminated land study is undertaken prior to any development commencing.

Subject to the recommended condition, no conflict with Policy CS19 (LPCS) or Paragraph 174 of the NPPF (2021) is considered to occur in terms of land contamination issues.

Ecology and Biodiversity (Bird Mitigation) - The Thames Estuary and Marshes Ramsar site and Special Protection Area (SPA) are internationally important for nature conservation as the area is a wetland and supports important numbers of wintering water birds and migrating birds. There has been a decline in the number of birds using these sites in recent years. Studies show that this could be due to people using the estuary and marshes for recreation purposes. The North Kent Bird Disturbance Report concludes that all new housing development within 6km of the North Kent Ramsar Sites or Special Protection Areas (including the Thames Estuary and Marshes) and larger housing development beyond 6km from the sites could have an adverse impact on them. This is because new housing development is likely to lead to further increases in recreational use of the sites, which means that further declines in the bird population cannot be ruled out. Possible mitigation measures are set out in the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring Strategy. Having considered a number of options, the Council have decided to impose a tariff on new housing development. Developers will need to pay £275.88 for every new dwelling provided within 6km of the Ramsar site and SPA and for larger housing developments beyond 6km from them. The money raised will be used to pay for schemes to avoid the adverse impacts of new housing development on the birds.

In this instance, the proposed development would result in the creation of an additional residential property and as such, additional recreational activity would result. Therefore, it is considered that there would be an adverse impact to the Thames Estuary and Marshes Ramsar Buffer Zone, which should be mitigated in line with Policy CS12 (LPCS). In such cases the Borough Council has adopted a tariff that is payable for each new dwelling unit within 6km of the SPA/Ramsar site of £ 275.88 per new dwelling unit.

The applicant has expressed willingness to pay the SAMMs contribution, however this has not been requested as the proposed development is contrary to local and national planning policy.

Conclusion

The application has been fully considered and is contrary to local and national planning policy.

The proposed dwelling by virtue of its location, sitting and appearance will be out of character with the surrounding area, a cramped form of development and create a poor living environment for future occupiers, harmful to their amenity. The location of the dwelling on a back-land site without suitable lighting, surveillance or pedestrian movement is contrary to Designing Out Crime principles, but also present a risk to pedestrian safety when accessing the property on the vehicular access lane. Therefore, it is recommended that planning permission is refused.

The reasons for refusal from the previous application (ref. 20191310) are not considered to be directly transferrable to this proposal, however much of the content remains relevant. These will be as follows:

1. The proposed dwelling in the rear garden of 49 Gouge Avenue by virtue of its location, siting, bulk and massing would appear as an inappropriate and cramped form of development within the garden constituting overdevelopment of the rear garden. This would appear as out of keeping with the character of the surrounding area (being garages/outbuildings on a rear access) and conflict with the relatively spacious character of the built form in the surrounding area. As such, the proposal is contrary to Policies CS14, CS15 and CS19 of the Gravesham Local Plan Core Strategy (September 2014) and Section 12 of the National Planning Policy Framework (2021) which seeks to ensure that new development is, amongst other things, locally distinctive and reinforces the local character of the area.
2. The proposed plans show the dwelling would be served by one parking space which has no access to the highway network and is some 50 metres from the proposed dwelling resulting in future occupier having to walk 50 metres along a narrow unlit alleyway to access the dwelling. As such, the proposal would be detrimental to highway and pedestrian safety and therefore contrary to Policy CS11 of the Gravesham Local Plan Core Strategy (September 2014) and saved Policy P3 of the Gravesham Local Plan First Review (1994).
3. The proposed dwelling would provide extremely poor living conditions to the future occupiers of the dwelling and would cause material harm to their amenity and privacy due to a wholly inadequate poor outlook with the close proximity to garages, overlooked private amenity space, the unacceptable access to the dwelling and its location on an unsafe and unlit back-land plot. In addition, there is no access to the highway network for occupiers who would need to bring their weekly bin collection to the kerb. As such, the proposal is contrary to Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014) as well as Designing Out Crime and Secured by Design principles.
4. The proposal fails to secure a contribution towards strategic mitigation measures within Special Protection Areas, and in the absence of this contribution or adequate information to inform an Appropriate Assessment, the development fails to comply with the requirements of the Habitat Regulations and Section 14 (specifically paragraphs 170, 175, 176 and 177) of the National Planning Policy Framework (2021) and Policy CS12 of the Gravesham Local Plan Core Strategy (September 2014).

Recommendation

Refusal

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

Case Officer:	Mr Ethan Bonthron	Team Leader:	Miss Faye Hobbs
Signed:		Signed:	
Dated:	5 th July 2022	Dated:	06 July 2022