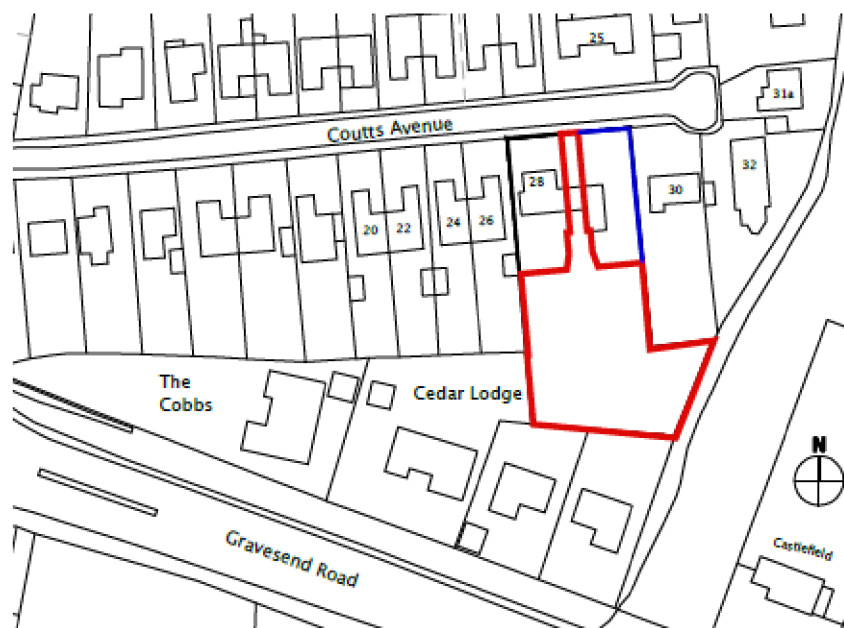


OUR REF: 3998.SC

PLANNING DESIGN & ACCESS STATEMENT



28 COUTTS AVENUE SHORNE DA12 3HJ

NOVEMBER 2023

1 INTRODUCTION

- 1.1** This statement is prepared in support of a planning application submitted on behalf of [REDACTED] of CT Building Contractors Ltd for the;

Erection of 2 single-storey three bedroom detached bungalows

in respect of land at 28 Coutts Avenue Shorne DA12 3HJ.

2 SITE CONTEXT

- 2.1** The application property, 28 Coutts Avenue is situated on the south side of Coutts Avenue towards the eastern end of the cul-de-sac, development along which, is comprised of a mix of detached and semi-detached properties. The current dwelling was approved on 1 June 1956 under planning application 19550053. It occupies one of the largest plots on the street. The identified application site extends to approximately 0.13ha in area.
- 2.2** The property is within an area of existing dwellings and development that is inset from (i.e. not part of) the Metropolitan Green Belt (Gravesham Core Strategy Policy CS02). It has no other Development Plan designation.
- 2.3** The existing property is a detached 'chalet bungalow' style dwelling, in common with the majority of the other dwellings along the road which are either bungalows or have had rooms added to their roofspace served by dormer windows or roof extensions of one form or another.
- 2.4** The application site is located approximately 270m from the nearest bus stops either side of the A226 Gravesend Road at Shorne Crossroads, which are served by three buses per hour between Gravesend and Chatham and vice versa (Arriva 190) Mondays to Saturdays and an hourly service on Sunday. Other school services and a London commuter service provided by Redwing Coaches (currently running a reduced schedule) also serve the bus-stops at Shorne Crossroads.

3 PLANNING HISTORY

- 3.1** The previous relevant planning history relating to the property is as follows.

19780744: Erection of a single storey extension at the side of the dwelling to form a utility room and the extension of an existing detached garage to form a store.
APPROVED 22/11/1978

20190870: Outline Application with Some Matters Reserved for the demolition of existing garage, and erection of 2no. three bedroom houses each vehicular access.
APPROVED 16/10/2019

20211382: Demolition of garage and sun lounge and erection of a two storey front extension incorporating new integrated garage, alterations and raising of the roof, erection of rear dormer windows to create habitable rooms on first floor, erection of a

single storey rear extension, creation of new vehicular access and laying of hardstanding. APPROVED 10/01/2022

20220642: Demolition of the existing garage and erection of 3no. four-bedroom houses and creation of new vehicular access and associated work. REFUSED 29/09/2022 : APPEAL DISMISSED 26/09/2023

A copy of the appeal decision is attached at **Appendix One**.

20220956: Reserved Matters Application for the approval of details of appearance, landscaping, scale, full particulars of all fences, walls or other means of enclosure to the plot boundaries of the residential units and of cycle storage and refuse bin storage facilities pursuant to outline planning permission reference number 20190870 for the outline application with some matters reserved for the demolition of existing garage, and erection of 2no. three bedroom houses each vehicular access APPROVED 30/11/2022

4 PROPOSALS

4.1 Full planning permission is sought for the following development:

Erection of 2 single-storey three bedroom detached bungalows

4.2 The new bungalows would be located to the rear of the site. One plot would be located on the site the already approved bungalow (applications 20190870 (outline) and 20220956 (reserved matters) refer), and the other bungalow would be sited to its east behind the dwelling approved under the extant permission granted under applications 2019870 and 20220956.

4.3 The access would be as approved under the extant planning permission. Work has now commenced on the extant permission. It is intended to erect no 28A (which fronts Coutts Avenue as per the approved permission.

4.4 The proposed bungalows would have a ridge height of 6m and eaves of 2.7m, they would be approximately 11.5m in width and 13.7m in depth. Three bedrooms would be provided (one with an en-suite bathroom) in total with an additional family bathroom, kitchen/diner, lounge and utility room.

4.5 Externally the walls would be faced with Wienerberger Hathaway Brindled Stock Bricks. The main roof would be tiled with Marley Modern Interlocking Concrete Roof Tile (Old English Dark Red). Windows and Doors would be white uPVC. All are appropriate materials that would not be out of character with the area

5 PLANNING POLICY

5.1 Section 38(6) of the Planning and Compensation Act 2004 requires that where regard is had to the Development Plan decisions should be made in accordance with the development plan unless material considerations indicate otherwise. The statutory

Development Plan for the District comprises the Core Strategy 2014 and the saved policies of the Gravesham Local Plan First Review 1994.

- 5.2** Relevant policies in the Core Strategy are policy CS01 (relating to sustainable development that reflects the advice in the NPPF and the presumption in favour of approving development that accords with the development plan), CS02 (Scale and location of New Development), CS12 (Green Infrastructure), CS14 (Housing Size and Type), CS15 (Housing Density), CS18 (Climate Change) and CS19 (Development and Design Principles) which sets out general design principles to which new development should seek to comply. The relevant policies in the Gravesham Local Plan First Review 2014 are T1 (Impact of development on the Highway Network) and P3 (Vehicle Parking Standards) The policies are attached at **Appendix Two**.
- 5.3** The adopted Development Plan must now be considered as largely being out of date, even though there is some conformity with the NPPF, but not in relation to the supply and delivery of housing (see below).
- 5.4** The National Planning Policy Framework (NPPF) 2023 is also relevant as a material consideration. Paragraph 7 advises that the fundamental basis of the planning system is to achieve sustainable development and paragraph 8 outlines the three integral and intertwined overarching objectives in pursuit of sustainable development (economic, environmental and social). Paragraphs 10 sets out a presumption in favour of sustainable development. Paragraph 11 advises that when decisions are made on applications, means (taking into account the footnotes in the NPPF which are reproduced below):
- ‘c) approving development proposals that accord with an up-to-date development plan without delay; or
 - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date¹, 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 proposed²; 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.’
- 5.5** Gravesham Council cannot currently demonstrate a five-year supply of deliverable housing sites (as of 1 April 2022 supply was calculated as 2.9 years) and have also un-

¹ ‘This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.’

² ‘The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 180) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 67); and areas at risk of flooding or coastal change.’

delivered in terms of the Housing Delivery Test (HDT) to the point that a presumption in favour of granting permission for sustainable development now applies, as at the last published HDT measurement only 57% of the required number of dwellings had been delivered³.

- 5.6** The application site is not within a protected area as set out in the NPPF but lies within 6km of one. A suitable mechanism has been put in place across North Kent to which Gravesham Council is a party-to that seeks to address the impact of development on the Thames Marshes Special Protection Area and Ramsar Sites. This arrangement allows for applicants to make a SAMMS payment to mitigate the impact on nearby Special Protection Areas/Ramsar Sites. This is referred to in more detail later in this statement.
- 5.7** Section 5 in relation to the supply of homes, at paragraph 60, it confirms the Government's objective to significantly boosting supply and that it is important to ensure that a sufficient amount and variety of land can come forward where it is needed. Paragraph 69 of the NPPF acknowledges that small and medium sized 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 (amongst others) support the development of windfall sites through decisions.
- 5.8** Paragraph 119 states that decision should promote an effective use of land in meeting the need for homes. Paragraph 120 expands on this point by promoting and supporting the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing. Paragraph 124 adds that decisions should support development that makes efficient use of land, taking into account (amongst others) the desirability of maintaining an area's prevailing character and setting.
- 5.9** It is noted that the application of paragraphs 60, 69, 119-120 and 124 all do not depend on whether an authority has a five-year housing land supply (5YHLS).
- 5.10** Section 12 of the NPPF provides guidance and policy on achieving well designed places. Paragraph 126 states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. A bespoke design solution has been provided for this site; the resultant development will be of a high quality.

6 PLANNING ISSUES

- 6.1** The key issues for consideration in this application appear to be as follows;
- The principle of development in the light of the appeal decision dated 26 September 2023.
 - Impact on the character of the area and impact on the occupiers of neighbouring properties in the light of the appeal decision dated 26 September 2023.

³ [GBC Housing Land Supply Statement March 2023](#)

- Impact on the Thames Estuary and Marshes Special Protection Area and Ramsar Sites.

Principle of Development

- 6.2** As set out above, permission has previously been granted by the Council for the erection of two additional dwellings on the site. Work on implementation of that permission has now commenced on-site. The site remains a suitable windfall site and as such the proposed development accords with the advice in paragraph 60 of the NPPF.
- 6.3** The remaining issue of principle to be determined therefore is whether the construction of the additional dwelling now proposed is acceptable. As indicated above, the site is in an area inset from the Green Belt, under policy CS02 of the Core Strategy 2014 in such areas, the principle of new development is acceptable and specifically supported.
- 6.4** The proposed dwellings will complement existing development in the area and will result in a density of approximately 23 dwellings per hectare which accords with that of the site's immediate surroundings to the north and west of the site. It is greater than the density of the extant permission which was around 15 dwellings/ha but still accepted by the Council when set against policy CS15. The Planning Inspector did not raise objections to the density of the development in comparison to the site's surroundings in their decision letter on the appeal scheme.
- 6.5** This coupled with the Council's continuing and worsening shortfall in housing supply and persistent under-delivery of housing, must lead to the conclusion that in principle, the provision of an additional dwelling on the site is acceptable.

Impact on the character of the area

- 6.6** This is the key area of consideration given the conclusions of the Inspector on the previous appeal proposals.
- 6.7** The applicant has carefully considered the comments of the Inspector and has revised the approach to the rear section of the site.
- 6.8** The Inspector commented as follows

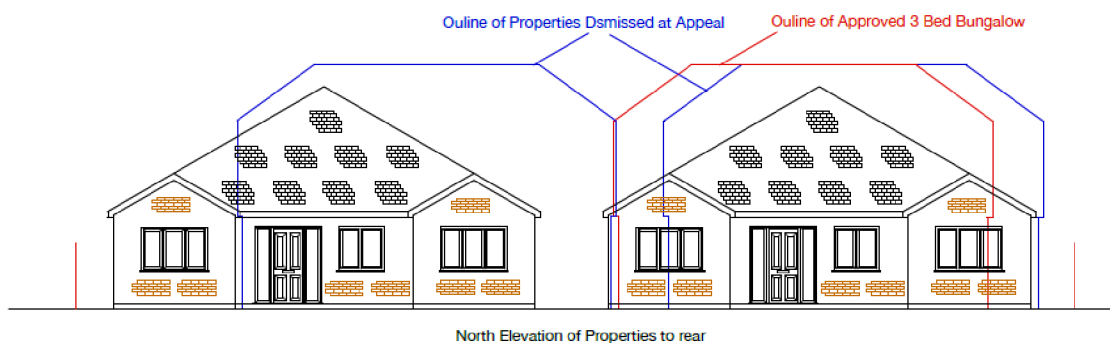
'10. However, the two dwellings proposed to the rear of the plot would also both have a two-storey appearance. This is because, whilst they might be described as 'chalet-style' bungalows, both dwellings would have two prominent dormer windows on the front elevation. The width of these dormer windows would leave very little of the front roof plane visible and would effectively result in a two-storey appearance. Furthermore, whilst the maximum ridge height of the approved bungalow to the rear would match that of the proposed dwelling (28b), the overall mass of the development at first floor level would be significantly more prominent, particularly when viewed from the neighbouring garden at No 26.'

11. The location of two large dwellings to the rear of the appeal site would be completely contrary to the prevailing linear character of Coutts Avenue. I note that there is already permission, under the fallback, for a dwelling to the rear of No 28. However, this dwelling would have a single storey appearance. The proposed development would be far more prominent, given its increased bulk and the increased quantum of development proposed.

12. The two-storey appearance of the dwellings proposed to the rear of the appeal site would reflect those allowed to the front of the site under the fallback. However, their prominent size would serve to exacerbate the harmful effect of the development in terms of its non-linear layout. This harm would be visible from the shared surfaces within the development, as well as from the neighbouring dwelling and garden at No 26. More limited views would likely be obtained across the proposed driveway and between No 28 and the proposed dwelling to the front of the appeal site. As such, the proposed development would result in a far more harmful visual impact than the development allowed under the fallback position.'

6.9 In direct response to the Inspector's comments, two newly designed single-storey properties are now proposed for the rear part of the site that are considered to have addressed the Inspector's concerns. The roof height and form of the dwellings to the rear has been substantially changed. The ridge heights are lower at 6m and eaves height is also lower at 2.7m. The roofs are now fully hipped with the exception of two very small projecting gables (they project 0.5m from the main front wall) on the front of each dwelling.

6.10 Drawing no 006 (ver 1) submitted with the application provides a useful and telling comparison between the already approved bungalow, the refused proposals and the new design proposed in this application.



As can be seen in the image above, the reversion to the central access and change to the roof form and loss of the first floor accommodation, the mass and bulk of the new dwellings is considerably reduced. This is particularly the case in respect of the relationship with the neighbouring property at 26 Coutts Avenue which the Inspector previously criticised.

- 6.11** It is considered that reduced massing and visual impact of these revised proposals have addressed other concerns of the Inspector as regards to the exacerbation of the non-linear layout.
- 6.12** It is also the case that the scheme as now proposed has reduced the impact of the rearmost development when glimpsed along the access to the rear as can be seen in the image below, which indicates the location of the proposed bungalows relative to the existing and proposed houses that face Coutts Avenue at the front of the site .



Impact on the occupiers of neighbouring properties

- 6.13** The Inspector commented as follows in terms of the massing and impact of the previous proposals on neighbouring properties.

'17. During my site visit I viewed the appeal site from within the neighbouring gardens at No 26 and No 30. The proposed development would barely be visible from No 30 given the extensive planting located at the boundary. However, to the west of the appeal site, a significant section of existing boundary planting within the appeal site would need to be removed to facilitate pedestrian access to the rear of the dwelling proposed at No 28b. Indeed, when compared to the fallback scheme, whilst No 28 would be set back slightly further to the rear of the appeal site, the dwelling would be closer to the boundary with No 26. Furthermore, as I have already identified, the bulk and mass of the proposed flank wall facing No 26 would be significantly increased at first floor level. As a result, the proposal would have a far more dominant and overbearing impact on the occupiers of No 26 when viewed from the neighbouring garden.

18. During my site visit I noted that No 26 has a relatively small garden. As such, whilst there would not be a harmful impact when the proposal is viewed from within the property, there would be an unacceptable impact when the occupiers are in their garden. I note that there are existing trees within the garden of No 26. However, these do not provide a comprehensive screening effect and during winter months the appeal proposals would likely be even more prominent and overbearing.

19. In summary, the appeal proposal would result in a harmful overbearing impact on the occupiers of No 26 and this impact would be materially more harmful than the development approved under the fallback permission. For this reason the proposed

development would conflict with Core Strategy Policy CS19, which in part seeks to ensure that new development safeguards the living conditions of neighbouring occupants.'

- 6.14** The revised design of the rearmost dwellings now provides purely single-storey accommodation and has resulted in the consequential removal of all first floor accommodation including the front and rear dormer windows previously proposed, that was criticised by the Inspector. It is also the case that the use of the already permitted access road will move activity on the site away from the boundary with no. 30 to the east.
- 6.15** Plot 1 situated adjacent to no. 26 has the same separation from the boundary as the earlier appeal scheme but a much reduced mass and scale relative to the rear garden of no. 26. The new dwelling also has a distinctly less bulky and lower roof mass than that of the existing approved bungalow on the section of the site closest to no. 26.
- 6.16** It is no longer the case that the proposed dwellings would be materially more harmful than the fallback position of the development previously approved by the Council.
- 6.17** It is considered therefore that the development as proposed will not result in an such an unacceptable impact on the existing character of the area or the amenities of the occupiers of neighbouring properties sufficient to warrant an objection to the details of the development being raised.

Impact on the Thames Estuary and Marshes Special Protection Area and Ramsar Sites

- 6.18** Policy CS12 of the Core Strategy seeks to protect and enhance Green Infrastructure and to ensure no net loss of biodiversity in the Borough. The Thames Estuary and Marshes SPA and Ramsar sites are an important and integral part of the Borough's Green Infrastructure, but they have increasingly been under recreational pressure from residential development in nearby areas on an in-combination basis, which has affected their role and existing biodiversity.
- 6.19** A mechanism was put in place in 2015 following discussion with Natural England and the affected North Kent Authorities seeking to mitigate this in-combination impact and which led to the initiation of a SAMMS payment regime, which raises funds to undertake mitigation work to offset recreational impact. This is applied to all proposed residential development situated within 6km of the SPA/Ramsar Sites.
- 6.20** The applicant has previously made an appropriate SAMMS payment of £827.64 (£275.88/dwelling) for an additional three dwellings on the site in respect of application 20220642. Following the dismissal of the appeal a request for the refund of that money has been made in writing to the Council but at the time of submission of this current application that refund has yet to be made.
- 6.21** The applicant is prepared to either;
- Make a further payment for the two dwellings now proposed on the basis the previous SAMMS payment is refunded as requested.

- Or, alternatively, the applicant is also content for the previous payment to be 'transferred' to the current application and the difference between the earlier payment and the current applicable tariff (now £314.05/dwelling) refunded.

6.22 That being the case, it is contended that any in-combination impact on the SPA/Ramsar sites is capable of mitigation and the applicant has demonstrated their willingness to make the appropriate SAMMS payment. As such there will be no clear reason for refusing the development as set out in the footnote to paragraph 11(d) of the NPPF.

Other issues

6.23 it remains the case that the proposed development will not result in a level of traffic generation compared to that of the extant permission that would result in an unacceptable additional impact on the local highway network or pedestrian and vehicular safety. The proposed provision of two car parking spaces for each of the new dwellings plus visitor spaces is considered acceptable. Charging points for electric vehicles (Type-2) will be provided for the dwellings.

7.0 CONCLUSIONS

7.1 The Council's current lack of a five-year housing land supply and the presumption in favour of permitting development as a result of the consistent under-delivery of new dwellings against the Housing Delivery Test are factors that weigh significantly in favour of the approval of the application. The site is not within an area specifically listed in the footnote to Para 11(d) of the NPPF and any in-combination impact on the SPA and Ramsar sites will be addressed through the SAMMS payment that the applicant is committed to making. The 'tilted-balance' therefore applies to the determination of the application.

7.2 The proposed development being a small site that is capable of being delivered quickly and making a small but nevertheless important contribution to the delivery of housing within the District accords with the advice in paragraph 69 of the NPPF, particularly in an area where Development Plan policies are outdated in that they do not make specific provision for 10% of allocated sites being no greater than 1ha in area.

7.3 The application site is located in a settlement inset from the Green Belt within which, additional development is supported in principle by relevant Development Plan Policies. The density of the proposed development is at a similar level to that which exists in the surrounding area.

7.4 The proposed development as revised following the dismissed appeal maintains acceptable levels of privacy and amenity both within the development itself and in relation to existing adjacent properties.

7.5 The revised design of the development and the proposed bungalows will also not result in harm to the character of the surrounding area.

- 7.6** An appropriate SAMMS payment will be made to ensure that the potential recreational impact of the development in-combination with other planned and approved development on the Thames Estuary and Marshes SPA and Ramsar sites is mitigated.
- 7.7** For all these reasons, the Council are respectfully requested to grant planning permission for this development without delay.

DESIGN AND ACCESS STATEMENT

Site

The proposed application site is positioned on the south side of Coutts Avenue within the settlement of Lower Shorne, which lies to the north of the A226 Gravesend Road. Lower Shorne and the application site are inset from the Green Belt. The site is currently occupied by a detached dwelling. There is an extant outline planning permission on the site for the construction of two additional dwellings within the site along with a new access road.

Amount of Development

This application seeks full planning permission for the erection of two detached single-storey dwellings sited at the end of a new (previously approved) vehicular access and pedestrian access that is now under construction..

Layout

The two other dwellings will be located at the rear of the site and served by the new centrally located access.

The new design has provided good separation distances to the surrounding properties, to ensure there will be no adverse impact on the neighbouring homes.

Scale

The development comprises single-storey dwellings. The dwellings are no more than 6m to the ridge and contain no 1st floor accommodation.

Appearance

Appropriate external materials are to be used. Facing stock brickwork and roof tiles that will ensure an appropriate external appearance that will reflect the variety of dwellings along the street.

Landscaping

There is scope within the site to provide appropriate additional landscaping. Existing landscape features such as the hedges along the eastern, western and southern boundaries are to be retained.

Access

The existing dwelling will continue to be served by the existing access from Coutts Avenue.

Conclusion

The scale of the proposal is appropriate to its context. The development as now proposed will make a positive contribution to the area that should gain the support of and be approved by the Council.

APPENDIX ONE

Appeal decision dated 26 September 2023



Appeal Decision

Hearing held on 6 September 2023

Site visit made on 6 September 2023

by Luke Simpson BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 September 2023

Appeal Ref: APP/K2230/W/23/3316999

28 Coutts Avenue, Shorne, Gravesend, Kent DA12 3HJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr C King (CT Building Contractors Ltd) against the decision of Gravesend Borough Council.
 - The application Ref 20220642, dated 09 June 2022, was refused by notice dated 29 September 2022.
 - The development proposed is Demolition of the existing garage and erection of 3no. four-bedroom houses and creation of new vehicular access and associated works.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs has been made by Mr C King against Gravesend Borough Council. This application is the subject of a separate decision.

Preliminary Matters

3. At the Hearing the Council confirmed that it is no longer defending reason for refusal 3 as listed on the decision notice. This reason for refusal relates to the provision of affordable housing. As such, I have considered this appeal on that basis. The discussion at the Hearing therefore centred on the first and second reasons for refusal.
4. 28 Coutts Avenue (No 28) and the associated land to the rear has a relatively extensive planning history. Indeed, there are several planning permissions of particular relevance to this appeal. Outline planning permission was granted under Council reference 20190870 for the demolition of the existing garage and erection of two dwellings. One of the two approved dwellings would be located to the front of the site (28a), adjacent to No28, with the other located to the rear of No 28 (28b). The Council subsequently approved an application for approval of reserved matters, which included a two-storey design for the dwelling to the front (28a) and a single storey design for the proposed dwelling to the rear (28b). In addition, planning permission was granted for extensions to the existing dwelling at No 28 which would, if completed, create a two-storey dwelling at No 28 (in contrast to the existing single storey appearance).
5. At the Hearing the main parties agreed that these permissions all remain extant and that they could all be implemented. In summary, the existing permissions would facilitate two two-storey dwellings at the front of the appeal site and a bungalow to the rear. Given that these planning permissions remain

extant and that the appellant has a clear intention to develop the appeal site (as evidenced by this appeal), I consider that there is a realistic prospect that they will be implemented. As such, these permissions represent a 'fallback position' which is a material consideration in the determination of this appeal. I address this further in relation to the 'planning balance'.

Main Issues

6. The main issues are:

- The effect of the proposed development on the character and appearance of the area.
- The effect of the proposed development on the living conditions of the occupiers of 26 Coutts Avenue, with particular regard to outlook.

Reasons

Character and Appearance

7. The appeal site comprises land adjacent to 28 Coutts Avenue (No 28), which is a detached chalet-style bungalow comprising a single storey appearance with dormer windows. Attached to No 28 are two double garages with a flat roof. The appeal site comprises the existing garages and the land to the rear and side of No 28. The garden to the rear is deeper and wider than those of neighbouring dwellings on Coutts Avenue and it extends to the rear of No 30.
8. This part of Coutts Avenue is predominantly characterised by bungalows, many of which have accommodation at first-floor level and therefore exhibit a chalet-style similar to No 28. There is some two-storey development nearby albeit this is not so prevalent that it defines the character of the area. The majority of dwellings on Coutts Avenue are semi-detached, although some detached properties nearby. Residential properties in the surrounding area are typically laid out in a linear manner with very few examples of development set back in-depth. The appearance of properties in the surrounding area is not particularly uniform, with a variety of building materials utilised.
9. The proposed development would include a new two-storey dwelling to the front of the plot, which would be dominant when compared to the character of the more diminutive dwellings to the east and west of the appeal site. Notwithstanding this, the fallback permission already effectively allows for the development of two two-storey dwellings to the front of the appeal site and the appeal proposals would not be any more harmful in this regard.
10. However, the two dwellings proposed to the rear of the plot would also both have a two-storey appearance. This is because, whilst they might be described as 'chalet-style' bungalows, both dwellings would have two prominent dormer windows on the front elevation. The width of these dormer windows would leave very little of the front roof plane visible and would effectively result in a two-storey appearance. Furthermore, whilst the maximum ridge height of the approved bungalow to the rear would match that of the proposed dwelling (28b), the overall mass of the development at first floor level would be significantly more prominent, particularly when viewed from the neighbouring garden at No 26.

11. The location of two large dwellings to the rear of the appeal site would be completely contrary to the prevailing linear character of Coutts Avenue. I note that there is already permission, under the fallback, for a dwelling to the rear of No 28. However, this dwelling would have a single storey appearance. The proposed development would be far more prominent, given its increased bulk and the increased quantum of development proposed.
12. The two-storey appearance of the dwellings proposed to the rear of the appeal site would reflect those allowed to the front of the site under the fallback. However, their prominent size would serve to exacerbate the harmful effect of the development in terms of its non-linear layout. This harm would be visible from the shared surfaces within the development, as well as from the neighbouring dwelling and garden at No 26. More limited views would likely be obtained across the proposed driveway and between No 28 and the proposed dwelling to the front of the appeal site. As such, the proposed development would result in a far more harmful visual impact than the development allowed under the fallback position.
13. It is acknowledged that the garden of No 28 is much larger than surrounding properties. Whilst this represents a deviation from the prevailing character of the area, it this does not currently result in any harmful impact on this character. I also accept that there is existing screening on and near the site boundaries to the east, west and south and that additional planting could be controlled by condition. Notwithstanding this - given the layout of the proposed parking areas, access and pedestrian accesses - there is no real scope for planting proposals to sufficiently mitigate the visual impact of the proposal.
14. The Council has suggested that the density of the proposed development would not be in keeping with that which prevails in the surrounding area. The evidence before me indicates that the density of the development allowed under the fallback position would be approximately 15 dwellings per hectare. In contrast the proposed development would result in a density of approximately 21 dwellings per hectare, which is more in-keeping with the prevailing density of the surrounding area of between 21 and 25 dwellings per hectare. Indeed, it is not the density of the development which would result in harm to the character of the area, rather it is the proposed non-linear layout, exacerbated by the prominent two-storey scale of the proposed dwellings to the rear of the appeal site.
15. For these reasons, the proposed development would be harmful to the character and appearance of the area and it would therefore conflict with Core Strategy¹ Policy CS19, which seeks to ensure that new development is in-keeping with local character.
16. There would not be a conflict with Core Strategy Policy CS15 on density, given that this policy states that densities should not compromise the distinctive character of the area. Whilst this policy sets minimum densities, these are described as an 'overriding consideration' as opposed to an absolutely determinative requirement. For example, it might not be appropriate to seek minimum densities of 30 dwellings per hectare in an area characterised by lower density development. Indeed, that is the case here.

Living Conditions

¹ Gravesham Local Plan Core Strategy (Adopted September 2014)

17. During my site visit I viewed the appeal site from within the neighbouring gardens at No 26 and No 30. The proposed development would barely be visible from No 30 given the extensive planting located at the boundary. However, to the west of the appeal site, a significant section of existing boundary planting within the appeal site would need to be removed to facilitate pedestrian access to the rear of the dwelling proposed at No 28b. Indeed, when compared to the fallback scheme, whilst No 28 would be set back slightly further to the rear of the appeal site, the dwelling would be closer to the boundary with No 26. Furthermore, as I have already identified, the bulk and mass of the proposed flank wall facing No 26 would be significantly increased at first floor level. As a result, the proposal would have a far more dominant and overbearing impact on the occupiers of No 26 when viewed from the neighbouring garden.
18. During my site visit I noted that No 26 has a relatively small garden. As such, whilst there would not be a harmful impact when the proposal is viewed from within the property, there would be an unacceptable impact when the occupiers are in their garden. I note that there are existing trees within the garden of No 26. However, these do not provide a comprehensive screening effect and during winter months the appeal proposals would likely be even more prominent and overbearing.
19. In summary, the appeal proposal would result in a harmful overbearing impact on the occupiers of No 26 and this impact would be materially more harmful than the development approved under the fallback permission. For this reason the proposed development would conflict with Core Strategy Policy CS19, which in part seeks to ensure that new development safeguards the living conditions of neighbouring occupants.

Other Matters

20. The appeal site is located within the Zone of Influence of the Thames Estuary and Marshes Special Protection Area and Ramsar site. The evidence before me indicates that there would be likely significant effects (in combination with other residential development) on these sites because of increased recreational pressure caused by the provision of three new dwellings. I note that the appellant has made a financial contribution to mitigate these effects. However, given that I am dismissing this appeal on other grounds it is not necessary to consider this matter further nor undertake an appropriate assessment. For the avoidance of doubt, for the purpose of applying the Planning Balance I have assumed that these effects could be mitigated, which represents a best-case scenario for the appellant.
21. Interested parties have raised various other matters including in relation to parking and highway safety. However, given that I am dismissing this appeal on other grounds it is not necessary to consider these matters further.

Planning Balance

22. The Council's most recently published Housing Land Supply (HLS) position² confirms a HLS of 2.9 years. The evidence also indicates that the Council has failed the Housing Delivery Test (HDT) (57%) by a significant margin. As such, National Planning Policy Framework (Framework) Paragraph 11d is engaged.

² Five-year Housing Land Supply Statement 2022-2027 (March 2023)

There are no policies in the Framework which provide a clear reason for refusing the development in the context of Framework Paragraph 11d)i.

23. As such, Framework Paragraph 11d)ii applies and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
24. The proposed development would result in an increase in the housing stock and it would also result in an efficient use of land, particularly given the large size of the existing garden at No 28. There would be social and economic benefits associated with the increase in the housing stock. These can be afforded great weight in the context of the Council's significant Housing Land Supply Shortfall and failure of the HDT. I also accept that the small-size of the development means that it could be delivered quickly, which is another benefit within the context of the HDT. In addition, there would be some temporary economic benefits associated with the construction jobs which would be supported. There would also be economic benefits to the local area through the small increase in the local population. These are all benefits which are supported by the Framework and they are consistent with the aim of significantly boosting the supply of housing.
25. However, the harm caused by the proposed development would be significant. In particular there would be permanent harm to the living conditions of the existing occupiers of No 26. Additional harm would also arise as a result of the harmful visual impact of the proposal. The former can be afforded considerable weight given that these occupiers should not be penalised for the shortcomings of the Council in terms of housing delivery. The latter is also important, given that the effects on character and appearance would also be enduring. Indeed, the proposal would conflict with Framework Paragraphs 130c and 130f, which seek to ensure that new development is sympathetic to local character and results in a high standard of amenity for existing 'users', respectively.
26. As such, whilst the benefits of the proposal can be afforded great weight, they would be significantly and demonstrably outweighed by the even greater harm which would be caused.
27. In addition, I afford significant weight to the fallback position as a material consideration. That said, as noted throughout this decision, the fallback scheme is materially less harmful than the proposed development in relation to its effect on both character and living conditions. As such, this consideration does not outweigh the harm which would be caused by the proposal.

Conclusion

28. The proposed development conflicts with the development plan taken as a whole. I have taken into account the material considerations raised, including the approach in the Framework and the existence of the fallback position. However, these considerations do not indicate that a decision should be made other than in accordance with the development plan. The appeal is therefore dismissed.


INSPECTOR

APPEARANCES

FOR THE APPELLANT:

[REDACTED]

Associate Planner (Graham Simpkin Planning)

[REDACTED]

Director Affordable Housing 106 Ltd

Appellant

FOR THE LOCAL PLANNING AUTHORITY:

[REDACTED]

Planning Officer, GBC

Team Leader, GBC

Service Manager (Planning), GBC

INTERESTED PARTIES:

[REDACTED]

Neighbouring resident

On behalf of Dickens' Country Protection Society
and speaking on behalf of Shorne Parish Council

Neighbouring resident

APPENDIX TWO

Development Plan Policies



Gravesham Local Plan Core Strategy

Adopted September 2014



Connecting with the Community

Gravesham
Borough Council



Policy CS01: Sustainable Development

4.1.6 Planning applications that accord with the policies in the development plan for Gravesham will be approved without delay, unless material considerations indicate otherwise.

4.1.7 When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework and in this Core Strategy. It will work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

4.1.8 Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise, taking into account whether:

- **Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or**
- **Specific policies in that Framework indicate that development should be restricted.**

Policy CS02: Scale and Distribution of Development

4.2.24 The development strategy for the Borough is to retain and improve the existing stock of housing and suitable employment land and to make provision for the Borough's objectively assessed need for at least 6,170 new dwellings delivered at a variable rate as follows; at least 325 dwellings per year for 2011/2012 – 2018/2019, at least 363 dwellings per year for 2019/2020 – 2023/2024, at least 438 dwellings per year 2024/2025 – 2027/2028, and at least 186,490 sq m gross employment floorspace (within use classes B1, B2 and B8) during the plan period.

4.2.25 Development will be distributed throughout the Borough as follows: around 3,890 new dwellings and around 186,490 sq m gross employment floorspace (within use classes B1, B2 and B8) will be provided in the Opportunity Areas at Northfleet Embankment and Swanscombe Peninsula East; Gravesend Riverside East and North East Gravesend; Ebbsfleet (Gravesham) and Gravesend Town Centre and on land at the Coldharbour Road Key Site; around 2,280 new dwellings will be provided on other sites in the urban area and rural settlements inset from the Green Belt.

4.2.26 The strategy prioritises development in the urban area as a sustainable location for development. This will be achieved by:

- **Promoting regeneration by prioritising the redevelopment and recycling of underused, derelict and previously developed land in the urban area. This will be principally through redevelopment of former industrial sites in the Opportunity Areas of Northfleet Embankment and Swanscombe Peninsula East, and Gravesend Riverside East and North East Gravesend to create new residential neighbourhoods and employment areas;**

- The continued development of a new sustainable mixed use community in the Ebbsfleet (Gravesham) Opportunity Area, which will include the provision of high quality employment floorspace;
- Revitalising the Gravesend Town Centre Opportunity Area as a focal point for retail, leisure, cultural and tourism facilities and small scale office provision to serve the needs of the Borough whilst preserving and enhancing its character as a riverside heritage town; and
- Bringing forward a range of suitable sites in other parts of the urban area for residential and employment development, including Land at Coldharbour Road Key Site.

4.2.27 In the rural area, development will be supported within those rural settlements inset from the Green Belt and defined on the Policies Map. Development outside those settlements, including affordable housing and proposals to maintain and diversify the rural economy, will be supported where it is compatible with national policies for protecting the Green Belt and policies in this plan. The extent of the Green Belt is defined on the Policies Map. A strategic Green Belt boundary review will be undertaken to identify additional land to meet the housing needs up to 2028 and to safeguard areas of land to meet development needs beyond the plan period, while maintaining the national and local planning purposes of the Green Belt.

Policy CS12: Green Infrastructure

5.7.22 A multifunctional linked network of green spaces, footpaths, cycle routes and wildlife stepping stones and corridors will be created, protected, enhanced and maintained. The network will improve access within the urban area, from the urban area to the rural area and along the River Thames. The key parts of the network are identified on Figure 19: Strategic Green Infrastructure Network.

5.7.23 Sites designated for their biodiversity value will be protected, with the highest level of protection given to internationally designated Special Protection Areas, Special Areas of Conservation and Ramsar sites, followed by nationally designated Sites of Special Scientific Interest, followed by Local Wildlife Sites and then by other areas of more local importance for biodiversity.

5.7.24 There will be no net loss of biodiversity in the Borough, and opportunities to enhance, restore, re-create and maintain habitats will be sought, in particular within the Biodiversity Opportunity Areas shown on the Strategic Green Infrastructure Network map and within new development.

5.7.25 Where a negative impact on protected or priority habitats/species cannot be avoided on development sites and where the importance of the development is considered to outweigh the biodiversity impact, compensatory provision will be required either elsewhere on the site or off-site, including measures for ongoing maintenance.

5.7.26 The overall landscape character and valued landscapes will be conserved, restored and enhanced. The greatest weight will be given to the conservation and enhancement of the landscape and natural beauty of the Kent Downs Area of

Outstanding Natural Beauty and its setting. Proposals will take account of the Kent Downs Area of Outstanding Natural Beauty Management Plan, the Gravesham Landscape Character Assessment, and the Cluster Studies where relevant.

Policy CS14: Housing Type and Size

5.10.8 The Council will protect the mix of housing in the existing housing stock and will resist the conversion of family sized residential units to smaller properties.

5.10.9 The Council will expect new housing development to provide a range of dwelling types and sizes taking into account the existing character of the area and evidence of local need to create sustainable and balanced communities.

5.10.10 Sheltered housing and extra care housing for people with special needs will be supported on suitable sites in areas with access to a range of services that provide for the needs of future occupants

Policy CS15: Housing Density

5.11.5 Sites will be developed at a variety of densities, depending on their location and accessibility to public transport. The form and density of housing will vary across the larger sites, in response to accessibility and other characteristics of each part of the site. Variations in density across a site should be used to develop different character areas.

5.11.6 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. Subject to this overriding consideration:

- Within the urban area, new residential development will be expected to achieve a minimum density of 40 dwellings per hectare. In suitable locations close to the transport hubs of Gravesend Town Centre and Ebbsfleet, higher densities will be sought;**
- In the rural area, new residential development will be expected to achieve a minimum density of 30 dwellings per hectare.**

5.11.7 Development proposals that fail to make efficient use of land for housing, having regard to the character and location of the area, may be refused planning permission.

Policy CS16: Affordable Housing

5.12.9 The provision of affordable housing will be required on all new housing developments of: 15 dwellings or more or on sites of 0.5 hectares or more in the urban area; and 3 units or more or on sites of 0.1 hectares or more in the rural area.

5.12.10 The amount of affordable housing to be provided by private housing development sites above the threshold will be 30% in the urban area and 35% in the rural area.

5.12.11 The Council will seek an affordable housing mix of 70% affordable rented and social rented accommodation and 30% intermediate housing.

5.12.12 Development will be subject to site viability and a tenure mix necessary to meet local needs and achieve a successful sustainable and socially inclusive development.

5.12.13 In the Green Belt, limited affordable housing in a sustainable location for a proven and justified local community need will be supported. Such units once

constructed will be occupied by people with a proven local community connection. This includes affordable rural workers dwellings. In all cases, permissions granted under this policy will be restricted to those uses in perpetuity.

Policy CS18: Climate Change

Flood Risk

5.14.36 With the exception of the previously developed sites along the Thames Riverside (see Policies CS03, CS04 and CS05) and those other regeneration sites which have already been evaluated in accordance with the sequential and exception tests at the application stage, development will be directed sequentially to those areas at least risk of flooding.

5.14.37 Proposals in areas at risk of flooding must be accompanied by a Flood Risk Assessment (in accordance with national policy and Environment Agency standing guidance as appropriate) and a Flood Risk Management Plan (if required) to demonstrate that they are adequately defended and safe over their lifetime. Planning permission will be refused for schemes which do not pass the sequential and exception tests.

5.14.38 The Council will prioritise the maintenance, improvement or replacement of flood defence infrastructure over other land uses where relevant. In addition to meeting their own flood defence and management needs, the Council will expect new development to take advantage of opportunities to reduce the causes and impacts of flooding from all sources where it is technically and financially feasible.

Water Quality

5.14.39 As part of its approach to climate change and environmental improvement, the Council will have regard to the delivery of the Water Framework Directive and associated Thames River Basin Management Plan objectives to support water bodies being progressively improved to “good” status over the plan period. Sustainable Drainage and Surface Water Run-Off

5.14.40 The Council will seek to minimise the impact of drainage from new development on waste water systems. In particular, the Council will:

- Require that surface water run-off from all new development has, as a minimum, no greater adverse impact than the existing use; and
- Require the use of Sustainable Drainage Systems on all developments where technically and financially feasible.

Water Demand Management

5.14.41 The Council will seek to manage the supply of water in the Borough and reduce the impact of new development on the supply of potable water as much as possible. In particular, the Council will:

- Require all new homes to be built to at least level 3/4 of the Code for Sustainable Homes in terms of water use (105 litres per person per day consumption). Where it can be demonstrated that a development is unable to meet these standards, or the additional standards set out below, permission will only be granted if provision is made for compensatory water savings elsewhere in the Borough;

- Seek 5% of homes on Key Sites to act as exemplars by meeting level 5/6 of the Code for Sustainable Homes in terms of water use (80 litres per person per day consumption);
- Require all non-residential developments of 1,000 sq m and above to meet the BREEAM "excellent" standards of water efficiency and include provision for the collection of rainwater; and
- Support proposals to retrofit existing residential properties in ways which reduce water consumption.

Carbon Reduction

5.14.42 The Council will seek to reduce the overall carbon footprint of the Borough. In particular, the Council will:

- In the context of national policy on the transition to zero carbon development via amendments to Part L of the Building Regulations, require proposals for development of the Key Sites throughout the Borough and other major development elsewhere in the Gravesend Town Centre Opportunity Area to consider the potential and include proposals for low carbon and renewable energy generation, including combined heat and power. Where choosing not to do so, applicants must submit evidence which demonstrates that compliance is not technically or financially feasible or that improved fabric energy efficiency or an allowable solution results in improved carbon saving benefits;
- Support stand-alone decentralised, renewable or low carbon energy development where it is compatible with national policies for protecting the Green Belt and where it accords with policies in this plan, in particular those relating to Development and Design Principles, Transport, Green Infrastructure, and Heritage and the Historic Environment; and
- Support other proposals which lead to a reduction in carbon footprint including the retrofitting of existing homes and businesses, including local initiatives based on carbon off-setting via allowable solution

Policy CS19: Development and Design Principles

5.15.14 New development will be visually attractive, fit for purpose and locally distinctive. It will conserve and enhance the character of the local built, historic and natural environment, integrate well with the surrounding local area and meet anti-crime standards. The design and construction of new development will incorporate sustainable construction standards and techniques, be adaptable to reflect changing lifestyles, and be resilient to the effects of climate change. This will be achieved through the criteria set out below:

- Using the collaborative approach advocated in Building for Life 12 and in line with the guidance set out in Kent Design, the design, layout and form of new development will be derived from a robust analysis of local context and character and will make a positive contribution to the street scene, the quality of the public realm and the character of the area. Account will be taken of the scale, height, building lines, layout, materials and other architectural features of adjoining buildings. Account will also be taken of the wider site context, including strategic views, site topography, the significance of heritage assets and features of

townscape and landscape value which contribute to local character and sense of place;

- **New development will encourage sustainable living and choice through a mix of compatible uses which are well connected to places that people want to use, including the public transport network, local services and community facilities; encourage sustainable travel; enhance Green Grid links and encourage healthier lifestyles;**
- **New development will be located, designed and constructed to:**
 - **safeguard the amenity, including privacy, daylight and sunlight, of its occupants and those of neighbouring properties and land;**
 - **avoid adverse environmental impacts from pollution, including noise, air, odour and light pollution, and land contamination; and**
 - **not pose an unacceptable risk or harm to the water environment, including the quality and/or quantity of ground waters, surface waters, wetlands and coastal water systems;**
- **The design and layout of new residential development, including conversions, will accord with the adopted Residential Layout Guidelines;**
- **New development will be designed in an inclusive way to be accessible to all • members of the community;**
- **New development will provide appropriate levels of private and public amenity • space;**
- **New development will include details of appropriate hard and soft landscaping, public art, street furniture, lighting and signage and will ensure that public realm and open spaces are well planned, appropriately detailed and maintained so they endure;**
- **Car parking will be well related to the development it serves;**
- **New development will protect and, where opportunities arise, enhance biodiversity and the Borough's Green Infrastructure network. Support will be given to environmental enhancements where opportunities arise;**
- **New development will be fit for purpose and adaptable to allow changes to be made to meet the needs of users;**
- **The design and layout of new development will take advantage of opportunities to build in resilience to the effects of climate change. This will include protection against flood risk, where relevant, delivering carbon reduction, provision for low carbon and renewable energy, and minimising energy consumption and water use;**
- **New development will incorporate appropriate facilities for the storage and recycling of waste; and**
- **The layout of new development will create a safe and secure environment and provide surveillance to minimise opportunities for crime and vandalism.**

Gravesham Local Plan First Review
Saved and Deleted Policies Version (September 2014)

Connecting with the Community

Gravesham
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Policy T1

The Local Planning and Highway Authorities will consider the impact on the transport system and on the environment of traffic generated by new development and will wish to ensure that all proposed developments are adequately served by the highway network identified on the Proposals Map.

Policy P3

The Borough Council will expect development to make provision for vehicle parking, in accordance with the Kent County Council Vehicle Parking Standards, as interpreted by Gravesham Borough Council, unless justified as an exception. All vehicle parking provision should normally be made on the development site. In the case of proposals for development in Class B1, as defined in the Town and Country Planning (Use Classes) Order 1987, the Borough Council will expect car parking provision to be made at the standard for offices and will also require lorry parking and manoeuvring areas to be provided, unless the applicant is willing to enter into an agreement to restrict the uses to which the permission relates.