

Delegated Report

Full Planning Application

Application No:	20211121
Location:	1 Codrington Gardens, Gravesend, Kent, DA12 5DB
Description:	Erection of an attached 3 bedroom house in the side garden of the existing dwelling house and provision of off street car parking.
Applicant:	Mr Hardeep Singh
Site Visit:	N/A Desktop Assessment

Submitted Documents/Plans

Application Form - dated 13/09/2021;
Design and Access Statement;
Drawing no. FV-2021-01 - Rev. A - Existing and Proposed Block Plans (scale - 1:500);
Drawing no. FV-2021-02 - Rev. A - Proposed Ground Floor Plan;
Drawing no. FV-2021-02-C - Rev. C - Existing and Proposed Ground Floor Plans;
Drawing no. FV-2021-03-C - Rev. C - Existing and Proposed First Floor Plans and Elevations;
Drawing no. FV-2021-04 - Rev. A - Existing Site Location and Block Plans.

Relevant Planning History

No relevant planning history.

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 - Sustainable Development
- CS02 - Scale & Distribution of Development
- CS11 - Transport
- CS12 - Green Infrastructure
- CS14 - Housing Types and Sizes
- CS15 - Housing Density
- CS18 - Climate Change
- CS19 - Development & Design Principles

Gravesham Local Plan: First Review (1994)

- P3 - Vehicle Parking Standards
- T5 - Access to the Identified Highway Network

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

The Council undertook such a review in September 2019 and found that the adopted Local Plan Core

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

National Planning Policy Framework (2021)

- Section 2 - Achieving Sustainable Development
- Section 5 - Delivering a sufficient supply of homes
- Section 9 - Promoting Sustainable Transport
- Section 11 - Making effective use of land
- Section 12 - Achieving sustainable development and well-designed places
- Section 14 - Meeting the challenge of climate change, flooding and coastal change
- Section 15 - Conserving and enhancing the natural environment

Supplementary Planning Guidance

- SPG 2 - Residential layout guidelines including Housing Standards Policy Statement October 2015 Adopted 1996 - amended June 2020;
- SPG 4 - KCC Parking Standards (2006);
- Householder Extensions/Alterations Design Guide SPD (2021);
- Kent County Council Vehicle Crossing Guidance:- Self Assessment (2018).

Consultations, Publicity and Representations

External Consultees

KCC - Heritage - The site lies within an area of multi-period archaeological potential, however, I consider it unlikely that the proposed works will have a significant archaeological impact due to past development at the site and have no further comments to make in this case.

KCC - Highways and Transportation – The development does not meet the criteria to warrant involvement from the Highway Authority. However, if permission should be granted the relevant highway informative should be attached to the decision notice.

Internal Consultees

GBC Highways Officer - I find this application confusing as the property has a carriage crossover and parking in the front garden, but the installation does not confirm to the requirements of the highway authority.

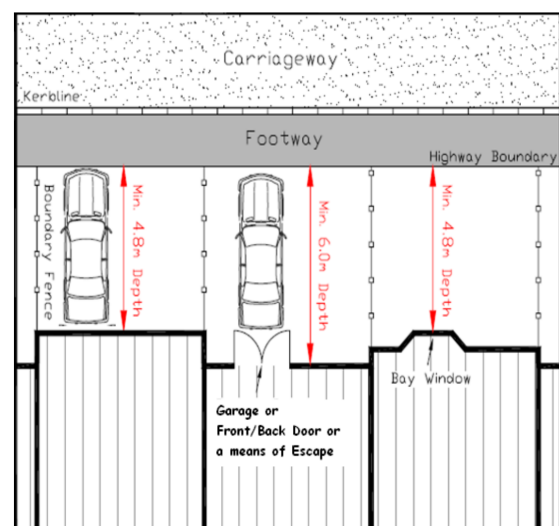
1 Is there enough space in your garden?

No part of a vehicle parked within your property may project on to or over the highway. The vehicle access crossing may not be used as a parking area and no part of it is exempted for the purpose of footway parking. In order to comply, the parking space must be:-

- at least 4.8m long between the back of the pavement or property boundary (the face of any wall, fence or hedge for example) and the front of your building.
- Or at least 6m long where the parking area is in front of a garage or door where adequate means of escape needs to be provided, like a front/back door, escape window etc. If you have any questions on the adequate means of escape please contact your local Kent Fire and Rescue Service, Safety Office.

The parking space must be:-

- At a right angle to the highway with the vehicle able to enter and exit the property in one movement.
- There must be no adjusting movements of a vehicle made on the highway when entering or exiting the property.



The above extract is the Kent County Council publication;

Vehicle Crossing: - Guidance and Self Assessment

https://www.kent.gov.uk/_data/assets/pdf_file/0004/27688/Vehicle-crossing-pre-application-guidance.pdf

The Design and Access statement also shows the carriage crossover with the access not having the benefit of pedestrian visibility splays and the drive appears to be constructed from loose stone, but possibly a bound gravel. If the drive is in loose stone, both are not acceptable in highway terms as the lack of a pedestrian visibility splay puts pedestrians at risk, whilst a loose stone construction runs the risk of materials being dragged onto the highway.



I do note however there are similar short drives further along the road.

Looking at the application. The Kent County Council publication; Vehicle Crossing: - Guidance and Self Assessment states that carriage crossovers should be a minimum of 10 metres from a junction

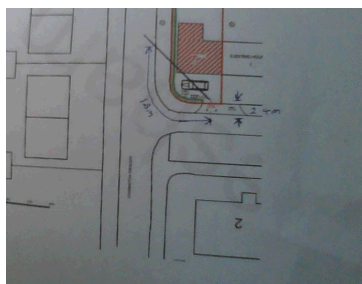
“4. Distance from road junctions - If the location of the proposed crossing is closer than 10m to a road junction it would create a serious hazard and the application will be refused. This dimension may be increased to 15m on major roads or near to busy junctions. If the property is situated directly on the junction of two roads, it will generally be safer to situate the access on the minor, side road. Accordingly you may be asked to amend your proposals to comply with this requirement.”

The proposed extended crossover is considerably closer than ten metres. In addition, being a new property its parking provision should conform to current guidance, which requires the parking to be perpendicular to the highway

“The parking space must be:-

- At a right angle to the highway with the vehicle able to enter and exit the property in one movement.”*

In addition vehicular visibility splays would be required which may be less than those required for 30mph speed limit due to the speed limiting corner radii towards the through traffic section of Codrington Gardens. Assuming 15mph, the sight line requirement would be 18m along the kerb line from the centre of the access with a set back of 2.4 metres for the initial point, it is possible that meeting such a requirement would require the repositioning of the proposed dwelling.



Approximate sight line requirement

As presented I would recommend refusal, as the proposed carriage crossover and parking area does not meet the requirements of the Highway Authority and as such cannot be provided. This in turn means the property does not benefit from off street parking, which whilst not in contradiction to Gravesham Borough Council's guidance is in conflict with The Highway Authority's adopted guidance, which postdates Gravesham's SPG and better reflects current practice of not setting minimum car parking provision at residential dwellings.

Neighbouring properties

Twenty-four surrounding properties were consulted and two representations were received. The two representations registered objection to the development, raising both material and non-material planning considerations (please note only material planning considerations are relevant to this decision).

Material Planning Considerations

- Overdevelopment
- Cramped form of development
- Harmful to street scene
- Loss of open space
- Poor visibility from driveway
- Impact on limited parking provisions
- No electric vehicle charging point

The consultation period expired 3rd November 2021.

Officer's Analysis

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:

- i. 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.

Policy CS02 (Scale and Distribution of Development) (LPCS) prioritises development in the urban area as a sustainable location for development by bringing forward a range of suitable sites on other parts of the urban area for residential. The application site lies within the urban area of Gravesend and is not subject to any specific local planning policies or constraints that restrict the principle of development, other than general policies that seek to protect the character of the area and the amenity of existing and future residents.

It is considered that local adopted Policies CS14 (Housing Type and Design), CS15 (Housing Density) and CS19 (Development and Design Principles) (LPCS) together provide an assessment framework in line with the guidance provided by paragraph 71 of the NPPF (2021). The proposal shall be assessed against these policies in the following section reviewing the character and appearance of the scheme.

Site Description

1 Codrington Gardens is an end of terrace property located on the northern side of the highway close to the junction with Codrington Crescent. The property has a shallow driveway at the front and a garage within the rear garden served by an access road. It is on a relatively generous plot compared to other nearby properties, with a side garden area fronting Codrington Crescent.

The curtilage of the property has been annotated onto a google maps satellite image to show the extent of the curtilage, the driveway arrangement and garage. The property has mature hedging along the boundary and has substantial soft landscaping, trees and shrubs within the garden area.



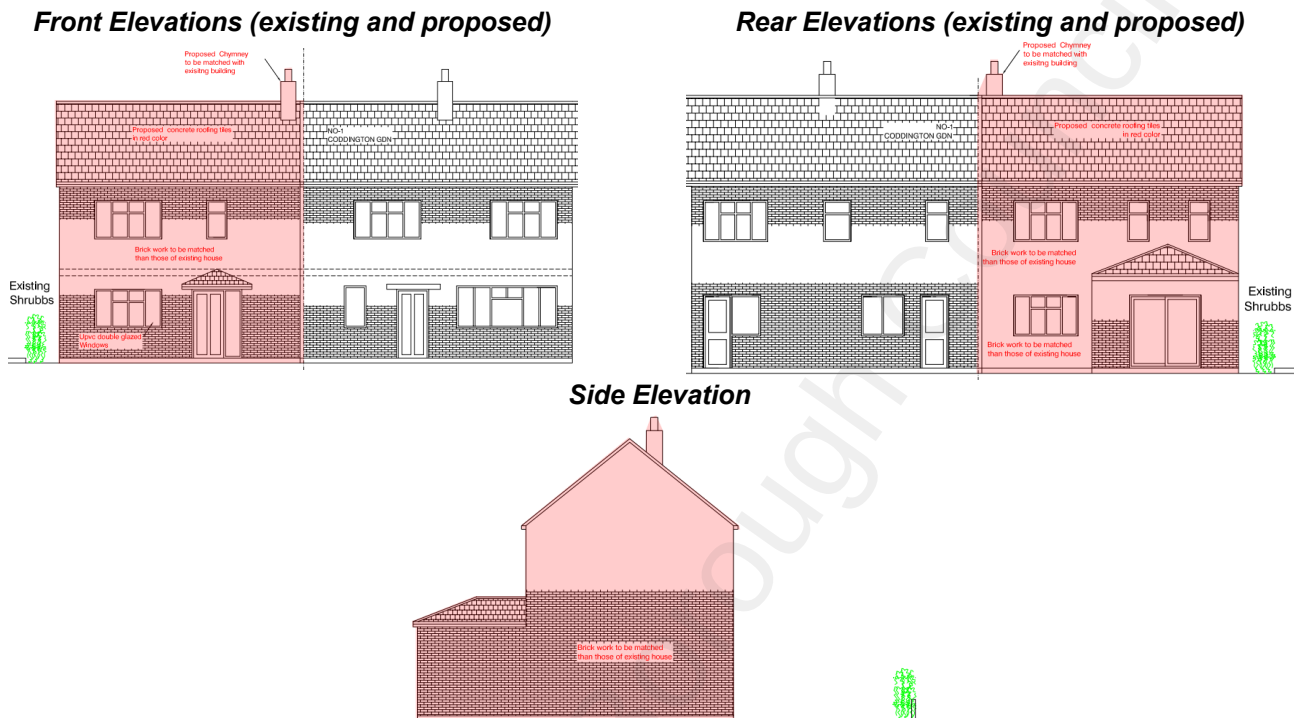
The surrounding area is characterised by two storey terraced properties. These properties are uniform in terms of design, scale and form.

Description of the Proposal

This application proposes the erection of an attached two storey, three bedroom dwelling in the side garden of 1 Codrington Gardens. The proposed dwelling will have a footprint of 54.1m² and has associated parking. The garden will be subdividing with the existing property (no.1 Codrington Gardens) retaining approximately half of the original rear garden area (94m² - including the garage).

The new dwelling will have a pitched roof with a gable end. It has been designed with similar features to the host property and other surrounding properties on Codrington Gardens with a central strip of render dividing sections of facing brickwork and includes a chimney. There will be a small storm porch at the front and a part width single storey pitched roof rear extension.

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



It will have an internal floor area of 90m² and will have the following dimensions:

Main Dwelling

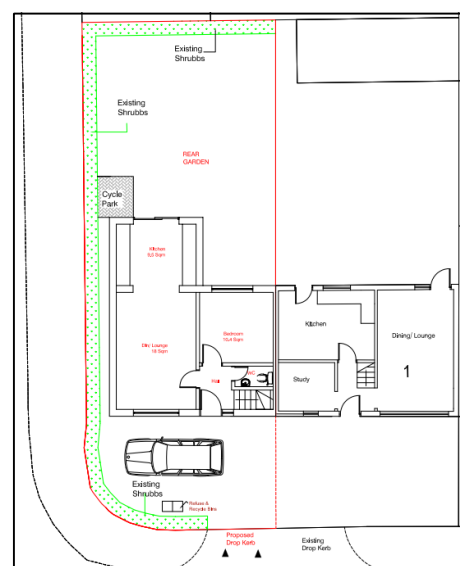
- Depth - 5.75m
- Width - 7.25m
- Height (max) - 7.75m
- Height (eave) - 5.4m

Rear Extension

- Depth - 3m
- Width - 9.7m
- Height (max) - 4.1m
- Height (eave) - 2.75m

The proposed dwelling will have a kitchen, open plan living/diner, bedroom and w.c. on ground floor, with two ensuite bedrooms and a storage area at first floor. The sizes of each room and the proposed garden area are as follows:

Room	Area
Kitchen	9.5m ²
Living/Diner	18m ²
Bedroom 1 (ground)	10.4m ²
W.C. (ground)	1.5m ²
Bedroom 2	12.5m ²
Ensuite (2)	2.3m ²
Bedroom 3	10.4m ²
Ensuite (3)	2.3m ²



Storage	1.6m ²
Garden	82m ²

Design, Character and Appearance

As introduced above the surrounding area is characterised by two storey terraced properties, with similar scale, design and features. The proposed dwelling has been designed with similar features and is an appropriate scale to the other properties in the street scene. It will be an end of terrace property matching the height and depth of the other properties within the terrace. The property will be finished using facing brickwork to match the adjoining properties.



While the new dwelling has been designed to match the wider terrace, it represents a continuation and is not distinguishable. In Gravesham's 'design guide (SPD) (2021)' the key principles for new development state that proposals should reflect, respect and respond to the original character, however subservience and set-back from the building line are preferred. Furthermore, the SPD states that extensions to corner plots are highly visible and should respect established building lines and not dominate the street corner.

There are concerns with the development of an established gap on the corner of the street scene. The side garden of no.1 Codrington Gardens is a planned open area within the estate and is mirrored in other places, typically around road junctions, within the locality. Therefore, the introduction of a new dwelling will develop this pre-planned open space, will building outside of an established line of built form and would be disruptive to the character of the street scene.

The representations received from neighbours commented on the impact that the development will have on the character and appearance of the area. The comments referenced overdevelopment, which is harmful to the street scene and cramped onto the site. The harm to the street scene has been assessed above, however the overdeveloped and cramped appearance of the development require interrogation.

Although a development in the side garden of a property could be considered cramped and overdeveloped, this proposal is on a relatively sizeable plot, which conforms with the guidelines set out for residential living standards (see section below). As such the dwelling is not considered to be overdevelopment nor cramped, however is harmful to the street scene by virtue of developing an established open planned area.

Overall, the proposed dwelling is considered to be inappropriate development that is harmful to the street scene by developing an established and planned open area which is a characteristic within the locality. The development will be a continuation of the terrace and would not be distinguishable as an addition through subservience or set-back and is constructed beyond the established building line into the side garden. As such, the proposal is contrary to guidance within the design SPD (2021). Therefore the development is

contrary to Policy CS19 (Development and Design Principles) (LPCS) and Section 12 (NPPF).

Amenity of Future Occupiers

The proposed dwelling complies with Gravesham's Residential Layout Guidelines (RLG) (2020) and all habitable rooms will be served by windows, receiving adequate natural light. The garden space has a maximum depth of 11.6m and an area of 82m², which comply with Gravesham's RLG for a three bedroom dwelling.

However, the new dwelling will be overlooked by the adjoining property at the rear, no.64 Wilberforce Way. Gravesham's RLG states that the minimum window-window distance for habitable rooms should be 26m when over private garden area. In this case, the window-window distance is 21.5m. As such the private amenity space of the new dwelling will be overlooked by the adjoining property and is considered to provide poor quality. Even though the amenity space of the existing property is similarly overlooked by no.64 Wilberforce Way, the policy guidance was

The remaining garden size for no.1 Codrington Gardens would comply with the RLG for a two bedroom property.

The amenity space provided as part of this proposal is adequate in terms of size, however the proposal fails to secure and safeguard good quality private amenity space, which is directly overlooked contrary to recommendations within Gravesham's RLG. As such the proposal fails to safeguard the amenity of future occupiers by virtue of a lack of private amenity space, thus failing to comply with Policy CS19 (LPCS) and Section 12 (NPPF).

Neighbouring Amenity

The development of a new dwelling in this location is not considered to cause material harm to the amenity of any adjoining property in terms of loss of light, outlook or sense of enclosure. There were representations received from surrounding properties, however these did not express concerns with impacts on the amenity of neighbouring properties. The representations discussed impact on the Character and Appearance of the area and parking issues.

Despite the fact that the development is not considered to impact neighbouring amenity in terms of light, outlook or sense of enclosure, there are concerns with overlooking and loss of privacy. Similar to the appraisal of overlooking and impact on private amenity space of future occupiers above, the erection of the new dwelling will fail the privacy distances recommended in Gravesham's RLG. The distance between the new rear windows of the property and the private amenity space of no.64 Wilberforce Way is 21.5m and is below the recommended 26m.

An argument could be made that the private amenity space of no.64 Wilberforce Way is already overlooked by no.1 Codrington Gardens. However, the proliferation of windows from the new dwelling and the direct and perceived levels of overlooking as a result will have a detrimental impact on the private amenity space that occupants should expect to enjoy.

Therefore, the application is considered to be an unneighbourly form of development that results in unacceptable levels of direct and perceived overlooking onto the adjoining property at the rear, failing to safeguard private amenity space contrary to Gravesham's RLG, Policy CS19 (LPCS) and Section 12 (NPPF).

Parking and Highways

The proposed development will widen the existing crossover used by no. 1 Codrington Gardens and become a shared access. There will be space on the driveway for a single vehicle to park, parallel to the highway.

The Council's Highway Officer provided comment on the proposal and recommended that planning permission is refused, raising the following reasons:

- Proximity to Junction
- Orientation of Parking
- Poor Visibility/Sightlines

Firstly, the extended crossover will be approximately 6.5m from the junction with Codrington Crescent. This is substantially below the minimum recommended distance between a vehicular access and junction, which according to Kent County Council's vehicle crossover guidance document (2018) should be 10m. Although the existing vehicular crossover, serving no.1 Codrington Gardens also fails this recommended distance to the junction (9.45m), this does not create a precedent to permit an extended access even closer to the junction.

Secondly, the depth constraints of the driveway results in vehicles to park parallel to the highway. While this is the case with the existing driveway for no. 1 Codrington Gardens, it is contrary to highway guidance. Kent County Council's vehicle crossover guidance (2018) states that parking must be at a right angle to the highway to enable vehicles to enter and exit in one movement. This in conjunction with the proximity to the junction creates a risk to highway safety, and is likely to increase the potential for collisions.

Lastly, the vehicle visibility splays of the driveway are substandard. The Highways Officer concluded that the visibility splays would be less than those required on a 30mph road, due to the proximity to the corner which limits speed. However, the requirement for a 15mph road would be 18m along the kerblin from the centre of the access, with a set-back of 2.4m (see annotated drawing in Consultee section). This is not possible due to the property intersecting the sightline of incoming traffic and the mature hedgerow would impede the sightline, creating an additional increase to the potential for collisions.

Overall, the proposed crossover extension and driveway arrangement for the new dwelling is contrary to highway policy and a hazard to safety. The proximity to the junction and limited visibility splays for incoming traffic significantly increase the potential for collisions, but is exacerbated by the parallel parking and multiple manoeuvres required for vehicles to egress which reduces opportunities for occupants to notice incoming traffic. As such, the proposal for an extended crossover and driveway for the new dwelling is considered to be a risk to highway safety contrary to Policies CS11 and CS19 (LPCS), saved policy P3 and T5 of the Gravesham Local Plan First Review 1994, the Adopted Kent Vehicle Parking Standards (SPG4), KCC vehicle crossing guidance (2018) and Section 9 (NPPF).

Any Other Material Planning Considerations

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

The plan submitted show that there will be a refuse area at the front of the property, with space for two wheelie bins. The Design and Access Statement confirms that future occupiers will be required to place their refuse containers on Codrington Gardens on collection day, and return them to the property following collection. This is the same strategy for other properties within the surrounding area.

In summary, with regard to the refuse arrangements, the strategy complies with Policy CS19 (LPCS).

Ecology and Biodiversity (Bird Mitigation) - The Thames Estuary and Marshes Ramsar site and Special Protection Area (SPA) are internationally important for nature conservation as the area is a wetland and supports important numbers of wintering water birds and migrating birds. There has been a decline in the number of birds using these sites in recent years. Studies show that this could be due to people using the estuary and marshes for recreation purposes. The North Kent Bird Disturbance Report concludes that all new housing development within 6km of the North Kent Ramsar Sites or Special Protection Areas (including the Thames Estuary and Marshes) and larger housing development beyond 6km from the sites could have an adverse impact on them. This is because new housing development is likely to lead to

further increases in recreational use of the sites, which means that further declines in the bird population cannot be ruled out. Possible mitigation measures are set out in the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring Strategy. Having considered a number of options, the Council have decided to impose a tariff on new housing development. Developers will need to pay £ 253.83 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 £250.39 per new dwelling unit.

The applicant has acknowledged and expressed a willingness to complete the SAMMS Mitigation Contribution Agreement, however the contribution has not been made and therefore fails to comply with the requirements of the Habitat Regulations and Section 15 (specifically paragraphs 180 and 181) of the NPPF and Policy CS12 (LPCS).

Furthermore, the new dwelling would significantly reduce biodiversity within the site. The existing site has substantial biodiversity in the form of trees, shrubs and other planting. Whilst the boundary hedge will be retained and rear garden space, the side garden will be development. The NPPF (Section 15) states that developments should result in biodiversity net gain, which is not the case with this application. The applicant has failed to demonstrate how the loss of biodiversity will be offset and as such should not be supported.

Conclusion and Balancing Exercise

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

The proposed dwelling is inappropriate development on a corner plot which disrupts an established building line, develops a planned open area within the street scene which is a characteristic of the surrounding estate. The dwelling is not distinguishable from the main terrace and is not subservient or set-back. Moreover, the proposal fails to safeguard the private amenity space of both future occupiers and neighbouring properties by virtue of direct and perceived levels of overlooking. In addition, the driveway and extended crossover represent a risk to highway safety and an increased chance of collision due to proximity to junction, orientation of parking and inadequate sightlines. As such the proposal is contrary to Policies CS11 and CS19 of the Gravesham Local Plan Core Strategy (2014), saved policy T5 of Gravesham Local Plan First Review (1994) and SPG 6: Planning Policy for Vehicular Accesses to Classified Highways (2009), Kent County Council vehicle crossing guidance (2018), as well as Sections 9 and 12 of the National Planning Policy Framework (2021).

Furthermore, 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 180 and 181) of the National Planning Policy Framework 2021 and Policy CS12 of the Gravesham Local Plan Core Strategy (2014). Moreover, the new dwelling results in a net loss of good quality biodiversity on site contrary to Policy CS12 of Gravesham Local Plan Core Strategy (2014) and Section 15 of the National Planning Policy Framework (2021).

Recommendation

Refusal

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

Case Officer:	Mr Ethan Bonthron	Team Leader:	Richard Hart
Signed:	<i>Ethan Bonthron</i>	Signed:	<i>R Hart</i>
Dated:	30 th November 2021	Dated:	30th November 2021