



Appeal Decision

Site visit made on 6 February 2024

by E Dade BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 February 2024

Appeal Ref: APP/K2230/W/23/3321033

3 Park Cottages, Tanyard Hill, Shorne, Gravesend, Kent DA12 3LF

- 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 M Northover against the decision of Gravesend Borough Council.
 - The application Ref 20221360, dated 21 December 2022, was refused by notice dated 17 February 2023.
 - The development proposed is erection of two-storey dwellinghouse adjoining south side of existing terrace.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have determined the appeal on the basis of the submitted plans which, in addition to the proposed dwelling, includes an extension to No 3 Park Cottages. Since both parties have provided submissions in respect of the proposed extension, neither would be prejudiced by my consideration of this matter.
3. During the appeal, government revised the National Planning Policy Framework (the Framework). In the interests of fairness, the main parties were invited to comment on the significance of such revisions in respect of the main issues.

Main Issues

4. The main issues in this appeal are:
 - Whether the proposed development would preserve and enhance the character of the Chestnut Green Conservation Area and setting of the Homewood Cottages group of Grade II Listed Buildings;
 - Whether the proposed development would provide adequate living conditions, with particular regard to internal space; and
 - The effect of the proposed development on the living conditions of the occupiers bungalows at Racefield Close, with particular regard to privacy.

Reasons

Character and setting

5. The appeal site comprises a dwelling and garden land situated at the end of a terrace row known as Park Cottages. The appeal site is located within the Chestnut Green Conservation Area (CGCA).

6. The Chestnut Green Conservation Area Appraisal 2017 (CAA) describes the special interest of the CGCA being a very small and relatively recent settlement with three discrete areas of historic development, partly within an area of still heavily wooded land, standing on a former ancient ridgeway. The significance of the CGCA is therefore derived from its pattern of development of historic buildings, relationship to landscape features, and its verdant character.
7. The CAA describes the row of Park Cottages as a terrace of three two-storey cottages with a historic connection to the tanning industry, built with red brick with yellow brick dressings, grey headers, and diaper patterning. The cottages have hip-ended, peg-tiled roofs with brick chimney stacks, and diamond-pattern, casement windows. The appeal property therefore possesses historic and architectural interest which contributes positively to the street scene.
8. To the south of the appeal site are Homewood Cottages, a two-storey terrace row of Grade II listed buildings of differing age and appearance. Nos 10, 11 and 12 were constructed in the 19th century from stack brick, with red brick dressings, slate roof, a cambered sash window, and cambered doorcases with panelled doors. Nos 8 and 9 are an early 19th century pair built of red brick, with tiled roofs, sash windows, and cambered doorcases. No 7 is a 17th century, timber-framed building refaced in red brick with grey headers, brick stringcourse, plain tiled roof with bonnet hip, casement windows, and a framed, ledged, and braced door with weatherhood. No 6 was constructed in the 18th century from brown brick with a tiled roof, dormer, sash windows, and a doorcase with a flat weatherhood. The Homewood Cottages are listed for their group value and their significance arises from their historic and architectural interest.
9. Whilst the rows of Park Cottages and Homewood Cottages provide enclosure along the west side of Tanyard Hill, the appeal property's side garden creates a break in development, allowing views of the sky between the terraces which contributes to the open and spacious character of the area.
10. The proposed development would be sited within the side garden, close to the flank wall of No 12. The proposed development would therefore be within the setting of the Homewood Cottages group of listed buildings.
11. The rendered gable end of No 12 lacks the visual interest of the front elevation. However, the proposed development would erode the gap between the terraces to the extent that the perceived separation between Park Cottages and Homewood Cottages would be lost. The proposed development would therefore result in a cramped appearance which would adversely impact upon the setting of the Homewood Cottages listed buildings.
12. The proposed development would be prominent within the important view toward Homewood Cottages from the junction of Tanyard Hill and The Ridgeway, as identified by the CAA. Through infilling this gap between the terrace rows, the proposed development would be out of keeping with the historic pattern of development and would result in visual intrusion of an important view which contributes to the character of the CGCA.
13. The design of the proposed development seeks to be faithful to the scale, form, materials, and architectural detail of the Park Cottages terrace, and takes inspiration from the recent extension to No 1 Park Cottages. However, No 1 is adjacent to Chestnut Green Cottage, a modern detached dwelling, and an area

of side garden has been retained thereby maintaining the area's spacious character. The arrangement and layout of plots at No 1 and Chestnut Green Cottage materially differ from the circumstances of the appeal site, and therefore the examples of modern development do not justify the appeal proposal. Consequently, the proposed design features would not be sufficient to mitigate the adverse impacts of the proposed development's siting within the important gap, and the proposed development would fail to successfully assimilate into the street scene.

14. Paragraph 205 of the Framework advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 206 advises that significance can be harmed or lost through development within its setting and that this should have a clear and convincing justification.
15. For the reasons set out above, the siting of the proposed development within the setting of the Homewood Cottages Grade II listed buildings would harm their significance and would harm the character of the CGCA. In this instance I find those harms to be less than substantial, but nevertheless of considerable importance and weight. Under such circumstances, paragraph 208 of the Framework advises that this harm should be weighed against the public benefits of the proposal.
16. The proposal would contribute one new dwelling to the area's housing supply. The dwelling would be of energy efficient design and would be located within the built area of an existing rural settlement, thus making efficient use of resources and land. Its construction would create local employment and its occupation would generate council tax and new homes bonus payments.
17. However, these benefits are not of sufficient magnitude to outweigh the harm to heritage assets that I have identified. In the absence of significant public benefit, the proposal would fail to preserve the special historic interest of the Homewood Cottage Grade II listed buildings and the character or appearance of the CGCA.
18. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention be had to the desirability of preserving or enhancing the character or appearance of the conservation area, and Section 66(1) requires I pay special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest. For the reasons set out above, the proposal would fail to preserve the character and appearance of the CGCA and setting of the Homewood Cottages listed buildings group.
19. The proposal would therefore conflict with Policy CS20 of the Gravesham Local Plan Core Strategy 2014 (GLPCS) which affords a high priority to the preservation, protection and enhancement of its heritage and historic environment, and GLPCS Policy CS19 which requires proposals enhance the character of the local built, historic environment, and take account of strategic views, and the significance of heritage assets. The proposal would not comply with Saved Policies TC2 and TC3 of the Gravesham Local Plan First Review 1994 (GLPFR) which together require proposals in the setting of a listed building maintain the building's integrity and make a positive contribution to the conservation area.

20. In addition, the proposal would not satisfy paragraph 195 of the Framework which recognises heritage assets as an irreplaceable resource, requiring their conservation in a manner appropriate to their significance.

Living conditions – internal space

21. The proposal would include a two-storey extension to No 3, with alterations to the layout of first-floor rooms. The Residential Layout Guidelines Supplementary Planning Guidance 2020 (RLG) sets out standards for all new residential development, including extensions to existing dwellings. However, the RLG has been updated to revoke certain standards in favour of those set by government's Nationally Described Space Standards (NDSS).
22. The floor area of the proposed single bedroom would be below the NDSS's minimum standard. The floor area of the proposed shower room, with shower cubicle, hand basin and toilet, would be below the minimum floor area for a 'WC only' as formerly described by the RLG. The NDSS applies only to new dwellings and therefore its standards are not directly applicable to the proposed extension. It is therefore a matter of planning judgement as to whether the proposal would provide suitable living conditions, and the NDSS and RLG standards are relevant insofar as they provide contextual information.
23. Whilst the proposal is constrained by the fabric of the existing building, through increasing the number of bedrooms the proposed development would increase the occupancy of the dwelling, thus intensifying its use. The appellant asserts that the proposed development would improve the standard and quality of accommodation. However, the small single bedroom and shower room would feel cramped and would offer a poor standard of accommodation.
24. The proposal would not provide sufficient internal space for occupants of No 3 and therefore would fail to provide adequate living conditions. The proposal would therefore conflict with GLPCS Policy CS19 which requires new development be fit for purpose and safeguard amenity of its occupants. In addition, the proposal would not accord with paragraph 135 of the Framework which requires developments create a high standard of amenity for future users.

Living conditions - privacy

25. At the rear of the appeal site is a row of terraced bungalows at Racefield Close which are oriented parallel with the Park Cottages terrace. The row of bungalows have short rear gardens and are situated close to the rear boundary of the appeal site.
26. Where windows of habitable rooms face each other, the RLG requires a window-to-window distance of at least 21 metres. The proposal would provide a 24m separation distance and therefore the proposed development would not harm privacy of habitable rooms at the Racefield Close bungalows.
27. The RLG also requires a minimum distance of 21 metres between the windows of habitable rooms and the private garden area of a dwelling, defined as the first 5m of garden adjacent to the rear of the dwelling. Whilst the RLG's Figure 1 illustrates this as a 26m separation distance between dwellings, it is unclear whether the rear gardens of the Racefield Close bungalows have a depth of 5m.

28. The separation distance between the proposed development and the Racefield Close bungalows would be similar in proximity and arrangement to Nos 1 and 2, which each have rear-facing first-floor windows. Therefore, the relationship between proposed windows and existing gardens would reflect the arrangement of surrounding development.
29. The boundaries of the appeal site are planted with dense vegetation. Sited at the bottom of the garden is a large outbuilding with a tall, pitched roof which extends across most of the width of the plot. The vegetation and outbuilding generally obstruct views into the rear gardens of the Racefield Close bungalows, and therefore the proposal would not result in a loss of privacy at the rear gardens of the Racefield Close bungalows. Were permission to be granted, a condition could be applied to maintain screening at boundaries.
30. For these reasons, the proposed development would not result in a loss of privacy at the Racefield Close bungalows, and therefore the proposed development would not harm the living conditions of those occupants.
31. In this regard, the proposal would satisfy GLPCS Policy CS19 which requires new development safeguard the privacy of neighbours, and paragraph 135 of the Framework insofar as it requires developments create a high standard of amenity for existing users.

Other Matters

The appeal site is within 6km of the Thames Estuary and Marshes Ramsar and Special Protection Area (SPA). The site is within the zone of influence of the SPA, which is a European Site afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations). A unilateral undertaking to secure a contribution towards the strategic mitigation of the development's effects on the SPA has been provided. Where a proposal is likely to have a significant effect on European Sites, Regulation 63 of the Habitats Regulations requires the competent authority to carry out an Appropriate Assessment (AA). However, AA is only necessary where the competent authority is minded to grant consent for the proposal. Since I am dismissing the appeal on the basis of other identified harm it is not necessary to address the proposal's effects on European Sites in further detail.

Planning Balance

32. The Council cannot demonstrate a five-year supply of deliverable housing sites and past delivery of housing was below 75% of that required by the Housing Delivery Test. The evidence before me suggests there is a substantial shortfall in housing supply in the area. Consequently, because of the provisions of footnote 8, paragraph 11d) ii. of the Framework should be applied.
33. The development plan predates the Framework's publication. However, paragraph 225 of the Framework states that due weight should be given to existing policies according to their degree of consistency with the Framework.
34. Paragraph 195 of the Framework requires the conservation of heritage assets in a manner appropriate to their significance, and paragraph 135 of the Framework requires development proposals provide a high standard of amenity for existing users. Due to the degree of consistency with the Framework, the proposal's conflict with GLPCS Policies CS19 and CS20 and GLPFR Saved Policies TC2 and TC3 carries significant weight against the scheme.

35. As discussed above, the proposed development would contribute one new dwelling to the area's housing supply, would make efficient use of resources and land, and would generate local employment and finance. However, even taking into account the substantial shortfall of housing supply, the extent of the social, environmental and economic benefits associated with the proposal would be small, attracting only modest weight in favour of the scheme.
36. Consequently, the adverse impacts on the character and appearance of the CGCA, setting of listed buildings, and living conditions of No 3, would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

Conclusion

37. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given, the appeal should be dismissed.

E Dade

INSPECTOR