

Delegated Report

Planning Application

Planning Application No: 20231219

Location: Land Adjacent To 28 Coutts Avenue, Shorne DA12 3HJ

Description: Erection of 2 single-storey three bedroom detached bungalows.

Applicant: Mr C King

Site Visit Date: Various

Submitted Documents/Plans

Application form
Covering letter
Design and Access Statement
Drawing no. 006 (street scene).
Drawing no. 007 (site location plan)
Drawing no. 003 (proposed block plan)
Drawing no. 004 (landscaping plan)
Drawing no. 001 (proposed floor plans)
Drawing no. 002 (proposed elevations)
Drawing no. 005 (proposed bicycle and bin store details)

Relevant Planning History

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.	Permitted	30.11.2022
20220642	Demolition of the existing garage and erection of 3no. four-bedroom houses and creation of new vehicular access and associated works.	Refused, appeal dismissed	29.09.2022

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.	Permitted	10.01.2022
20190870	Outline Application with Some Matters Reserved for the demolition of existing garage, and erection of 2no. three bedroom houses each vehicular access.	Permitted	16.10.2019
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	Permitted	22.11.1978
19550053	Erection of bungalow	Permitted	01.06.1956

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

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

Gravesham Local Plan: First Review (1994)

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

Paragraph 33 of the NPPF (2023) 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 (2023), the Council will also seek to replace these.

National Planning Policy Framework (2023)

- Section 2 – Achieving sustainable development

- Section 4 – Decision-making
- Section 5 – Delivering a sufficient supply of homes
- Section 8 – Promoting healthy and safe communities
- Section 11 – Making effective use of land
- Section 12 – Achieving well-designed and beautiful places
- Section 15 – Conserving and enhancing the natural environment

Supplementary Planning Guidance

- 2 - Residential layout guidelines including Housing Standards Policy Statement October 2015 Adopted 1996 – amended June 2020;
- Technical Housing Standards – nationally described space standard (2015);
- SPG 4 - KCC Parking Standards (2006);
- Householder Extensions/Alterations Design Guide (2021); and
- Gravesham Landscape Character Assessment (2009)

Consultations, Publicity and Representations

Consultees

KCC Heritage

Thank you for consulting us on this application.

The site lies within an area of multi-period archaeological potential. However, I consider it unlikely that these proposals at this particular location, would be likely to have a significant below-ground archaeological impact and have no further comments to make in this case.

Shorne Parish Council

This site has been subject to a considerable number of planning applications and Appeals.

Permission was given by GBC under Ref 20190870, despite Parish Council **objection** to backland development, for a single small true bungalow (reduced from two through revised plans) on the rear part of the land.

The Parish Council continues to **OBJECT STRONGLY** to the proposal for two rear dwellings, as expressed again in this latest application to build more dwellings on the backland than was originally permitted, for all the same reasons as cited in our various previous representations.

We have stated repeatedly that we would not object to the single rear dwelling being made a larger, high quality true bungalow but we maintain our **objection** to there being more than one dwelling built at the rear.

Whatever is eventually built at the rear must be strongly Conditioned to only be true single-storey in structure, with roof dormer conversion not permitted – simple rooflights might however be acceptable.

We suggest also that permitted development rights should be withdrawn in order to control further proliferation of built forms on the site, and their usage, in the interest of the amenity of neighbours.

Dickens' Country Protection Society

The above application has come to the Society's notice and the Society wishes to make the following representations. The Society wishes to register an objection to the application on the following grounds:

- (a) The existing development in Coutts Avenue is in a semi-rural location, relatively low density, single storey bungalows, some of which have accommodation in the roof. What is being proposed are two large four bedroom houses on the front of the plot (for which planning consent has been given, and now two large three bedroom bungalows at the rear. The Society considers this to be over development, out of character with the area.
- (b) The proposal is for an undesirable form of backland development. Whilst the Society recognises that compared with the layout under application GR/2022/0642, the development area has increased, so has the footprint of the properties and the Society considers the amenity land remains inadequate.
- (c) The Society recognises that, in general, bungalows may have less impact than houses, in the Society's view, any improvement on GR/2022/0642 is marginal. The Society notes that both the proposed bungalows have a relatively large roof area which would lend itself to conversion to residential accommodation.

Kent Fire and Rescue Service

Thank you for your documentation dated 4 December 2023, your reference 20231219-SCON3, regarding means of access for the Fire and Rescue Service.

I can confirm that on this occasion it is my opinion that the emergency access requirements for the Fire and Rescue Service under the above Act appear to have been met.

Fire Service access and facility provisions are also a requirement under B5 of the Building Regulations 2010 and must be complied with to the satisfaction of the Building Control Authority. A full plans submission should be made to the relevant building control body who have a statutory obligation to consult with the Fire and Rescue Service.

GBC Environmental Protection

No objection to this application. The following conditions and informatives are recommended.

Contaminated Land Watching Brief

The applicant shall undertake a watching brief during construction in case any contamination issue is encountered. If during development any contamination is found, the local planning authority should be informed as soon as practical and the work shall not continue until written agreement is provided by the LPA as to the appropriate measures to be taken to resolve the matter and they are satisfied that those measures have been carried out

Code of Practice on Construction and Demolition

Please apply as appropriate to minimise the disturbance to nearby houses during the demolition and construction.

Drainage/sewerage informative

The foul sewage shall be removed by means of the mains drainage system and not by the use of non-mains sewerage systems, unless connection to the drainage system is not reasonably practicable.

GBC Highway Development Management Officer

As this proposal is using an approved access and will only serve the same size of development I have no objections. Car and cycle parking complies with guidance.

Neighbouring properties

The application has been advertised by site notice and individual letters to eight neighbouring properties. Seven letters of objection have been received. The letters are mostly the same and the concerns raised are listed below:

- overdevelopment and stress to the neighbours,
- aim is to make profit, will not make improvements to the area or the well being of residents,
- parking issues for residents and visitors,
- waste collection vehicles and delivery vehicles have to reverse along the road which is narrow,
- can the drainage system cope with more houses?,
- increased traffic on the crossroads as Green Farm Lane/Gravesend Road,
- constant bonfires on the site.
- ambulance access

One further letter stating that the description says two single storey bungalows but the plans show four properties was received. *The red line for this application surrounds the proposed two rear properties only. The front dwellings are not included in this application.*

Officer's Analysis

In *Hopkins Homes Ltd v Secretary of State for Communities and Local Government* [2017] 1 W.L.R. 1865, Lord Carnwath reemphasised that the National Planning Policy Framework is only a material consideration in planning decisions and that that planning applications should be determined in accordance with the development plan. Paragraph 12 of the NPPF expressly states that the starting point for decision-making is the development plan. Lord Carnwath as part of the Supreme Court decision stated,

"It is important, however, in assessing the effect of the Framework, not to overstate the scope of this policy-making role. The Framework itself makes clear that as respects the determination of planning applications (by contrast with plan-making in which it has statutory recognition), it is no more than "guidance" and as such a "material consideration" for the purposes of section 70(2) of the 1990 Act... It cannot, and does not purport to, displace the primacy given by the statute and policy to the statutory development plan. It must be exercised consistently with, and not so as to displace or distort, the statutory scheme."

It is a matter of law that all planning applications need to be considered in accordance with the legislation and relevant policy that applies at the point a decision is taken. The Council published a revised 5 year housing land supply statement in March 2023, it demonstrates that based on data up for the period 2022-2027, the Council can only demonstrate a land supply of 2.9 years.

Given the Council's current inability to demonstrate a 5-year housing land supply, 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) (2023). 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 paragraph 187) 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 72);
- and areas at risk of flooding or coastal change.

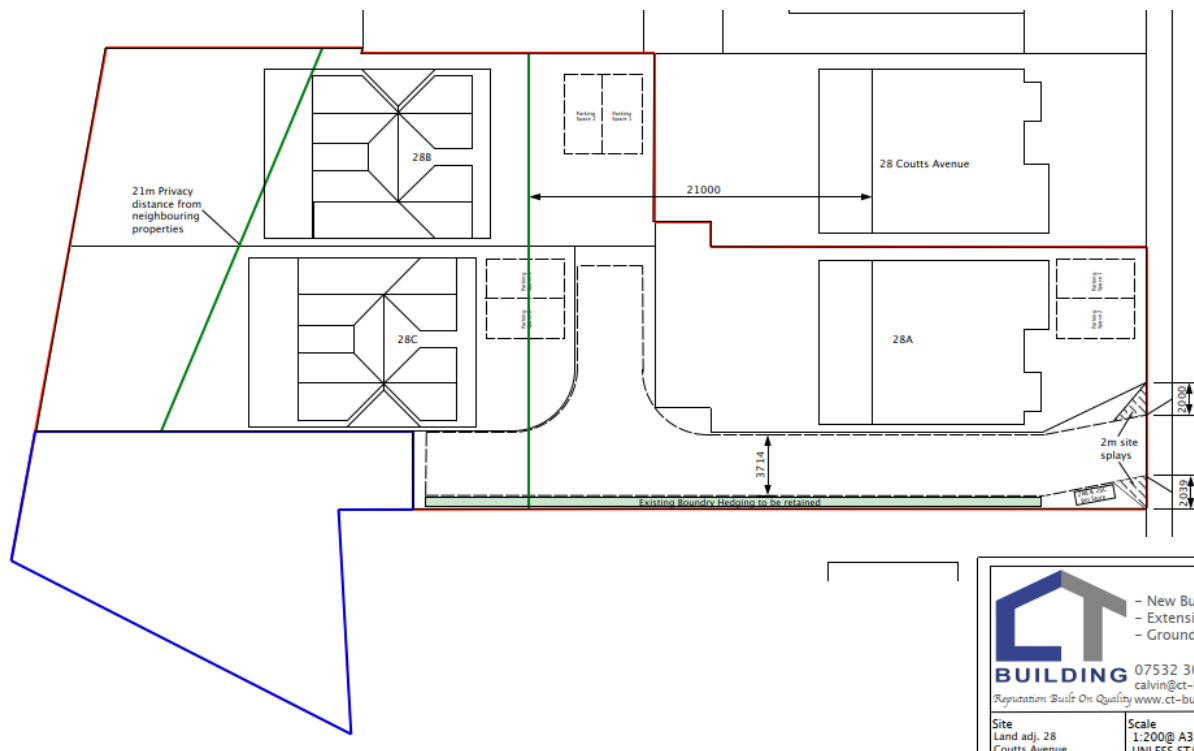
In determining applications for planning permission involving housing, the Council will therefore apply a weighted balance in favour of granting planning permission in accordance with relevant case law and guidance, having regard to the acceptability or otherwise of the proposals when evaluated against development plan policy, the need to make efficient use of land (paragraph 128(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 '2' residential units would offer a minimum 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 Development Plan and NPPF (2023) which requires new development to be high quality, beautiful and create acceptable living conditions for future occupiers.

Notwithstanding the Council's shortages in housing delivery and the consequent weight to be given in favour of the proposed development it is necessary to assess the proposals against the policies in the National Planning Policy Framework (NPPF) and established local planning policy taken as a whole.

Background

20220642 sought permission for three 4bed 2-storey houses:



The proposed houses are shown as 28A, 28B and 28C and two storey. This was refused for the following reasons:

1. *The proposed development will result in a prominent and cramped over-development of the site that would be incongruous with the character and appearance of the layout of the residential properties in the surrounding area. The proposal is therefore considered to be contrary to the requirements of Policies CS15 and CS19 of the Gravesham Local Plan Core Strategy 2014), and paragraphs 119, 124, 126, and 130 of the National Planning Policy Framework 2021.*
2. *The proposal would result in a detrimental impact on the amenity of the occupiers of the residents of the adjacent property of 26 Coutts Avenue, in terms of the development being dominant and overbearing. As such the proposal is contrary to Policy CS19 of the Gravesham Local Plan Core Strategy (2014) and paragraph 130f of the National Planning Policy Framework 2021.*
3. *The proposed development fails to make any provision for affordable housing. As such the proposal is contrary to Policy CS16 of the Gravesham Local Plan Core Strategy (2014).*

The decision was appealed and dismissed. The Inspector summarised that the two storey dwellings to the front of the site have extant permissions and are a fall-back consideration and therefore raised no issues with these. He did however raise concerns regarding the two, 2-storey dwellings to the rear which, due to their position to the back of the site, and their non-linear arrangement compared to the front dwellings, would result in harm to the character and appearance of the area in terms of their scale.

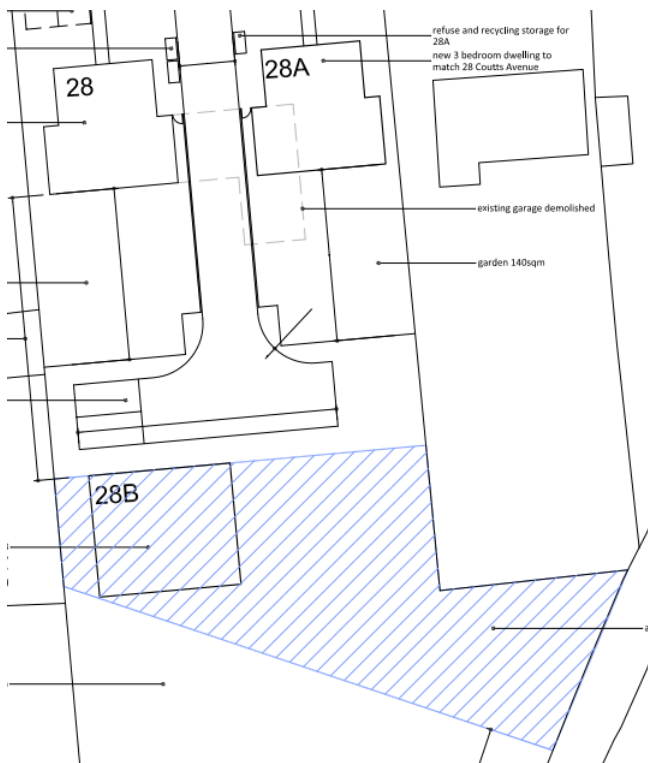
He did not raise concerns with the density of the site. He raised no concerns in terms of amenity to no. 30 Coutts Avenue. He did raise concerns with regards to the dominating and overbearing impact on the occupiers of no. 26 when viewed from the neighbouring garden (not when viewed from inside the property).

In summary he concluded that the proposed development would have a harmful and overbearing impact on the occupiers of no. 26 and that impact would be materially more harmful than the development approved under the fallback permission.

20211382 involved the demolition of the garage and sunlounge and erection of a two storey front extension:



20190870 sought outline planning permission for the demolition of the garage at no. 28 and erection of two 3bed dwellings:



The reserved matters application (20220956) related to the design of the properties. 28A was shown to match the approved extended building at no. 28:



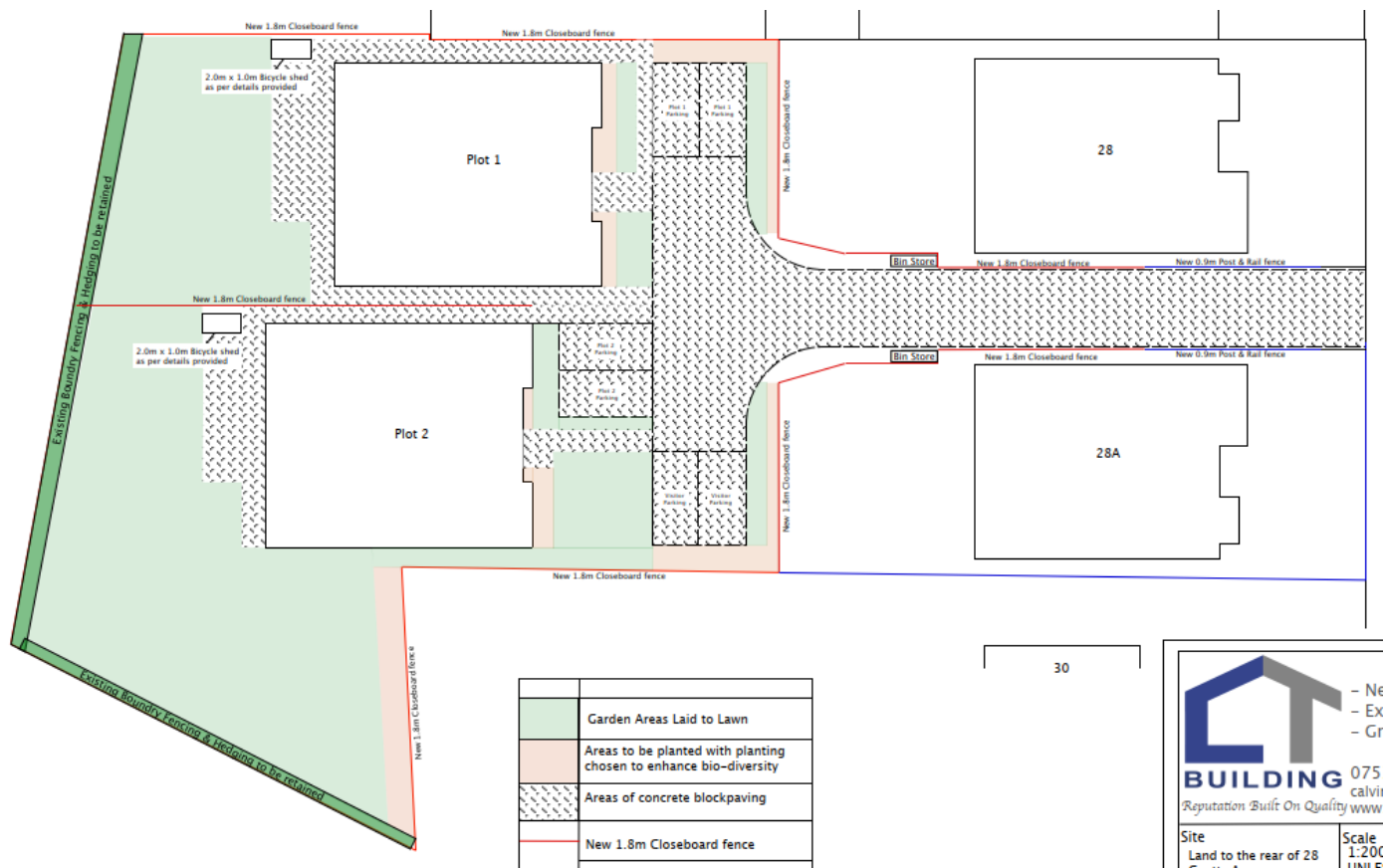
28B was shown to be a single storey dwelling:



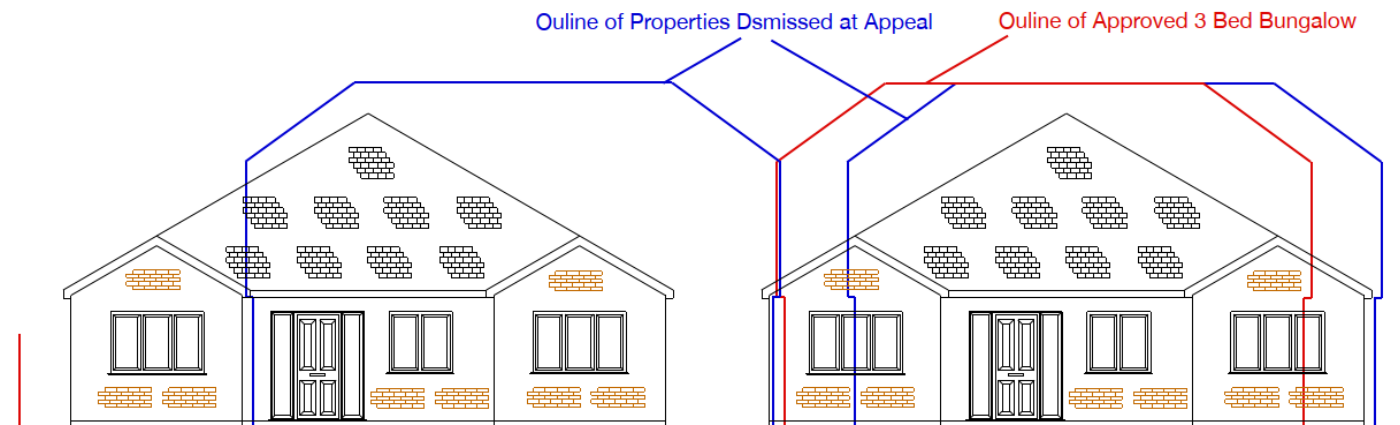
Proposed North Elevation

Proposal

This application seeks planning permission for two single storey detached three-bedroom bungalows to the rear of no. 28 Coutts Avenue:



The applicant has provided a comparison of the dwellings dismissed at appeal and those now proposed:



Plot 1 is shown closer to the boundary with no. 26 by approx. 1.2m but is considerably lower in height (over 1.7m lower).

The plans show two 3-bed bungalows. They will be approx. 13.6m deep and 11.5m wide. They will have hipped roofs to a height of approx. 6m. internally they will be three bedrooms, a kitchen/diner, lounge, utility room, bathroom and en-suite.

Design, Character and Appearance

The application site was a detached chalet bungalow which has mostly now been demolished in order to implement planning permission 20211382. The property had a large single storey side extension. The rear garden was large and laid to lawn with many trees and shrubs. The site is located within the village

envelope and within the Higham Arable Farmlands Landscape Character Area.

Density

The proposed density is similar to the surrounding properties as noted by the Planning Inspector. He was clear that the density was acceptable and, given that this has not change, no objection is raised. The proposal therefore accords with policy CS15 of the Gravesham Core Strategy 2014.

Design

The properties in Coutts Avenue differ in design and type. The proposed bungalows are considered in keeping with the surrounding dwellings. Their overall height has been reduced considerably since the previous application and the height is approx. 0.6m lower than the extant permission for one rear bungalow. The design of the roofs have also been altered so they are no longer shown as barn hips. This has reduced the overall bulk of the roofs and the dominant appearance of the properties that was raised as a concern by the Planning Inspector.

The materials to be used on the dwellings have been listed as Weinerberger Hathaway Brindled Stock bricks, Marley Modern Interlocking Concrete roof tiles (old English dark red) and windows and doors to all be white uPVC. These materials are all acceptable and a condition is recommended to ensure these are used. In terms of design the proposed dwellings will appear subservient to their surroundings and will not appear incongruous, dominant or out of character with the area.

Landscape Character

With regard to the impact on the landscape, Policy CS12 of the Core Strategy 2014 is also relevant to this application. This policy states that the overall landscape character of the Borough will be conserved, restored and enhanced and that the Gravesham Landscape Character Assessment (LCA) 2009 will be taken into account in determining applications. The site is located within the Higham Arable Farmlands Landscape Character Area. One of the key characteristics of the area is the open, gently undulating farmland, which provides high visibility across the area. The overall condition of the landscape is poor and has moderate sensitivity. It is recommended that key landscape elements should be restored and created. Proposals that introduce extensive or obtrusive elements within visually sensitive areas of the open landscape should be resisted. As this site is within the rural settlement of Shorne and comprises an existing residential site, the development would have no adverse impact on the wider landscape character of the area.

In terms of landscaping, the proposal is to lay the gardens to lawn with hedging to the rear (south) and eastern boundary. Remainder of the site will be bounded by 1.8m high close boarded fencing. Concrete block paving is shown to the access road and rear patio areas with some planting to the edges. No details of the planting or the type of paving have been submitted and therefore a condition is recommended to ensure this is submitted.

The position of the bin stores and cycle sheds is shown and are acceptable.

Overall, the proposal seeks to make a more efficient use of the site for housing, and the layout, scale and appearance of the proposed dwellings would be in keeping with the character and appearance of properties in the immediate area. On this basis, the submitted plans are considered to comply with the requirements of Policies CS12, CS14 and CS19 of the Core Strategy 2014, and paragraphs 135 and 180 of the NPPF 2023.

Amenity of Future Occupiers

The dwelling shown on plot one measures approx. 136sqm. This exceeds the National Space Standards which requires 95sqm for a three bedroom, six person, single store dwelling. Two of the bedrooms meet the standards for a double and one falls short by 0.5sqm. As this is not significant, could be turned into a

single bedroom and the property exceeds the spaces standards, no concerns are raised. Each habitable room contains a window providing sufficient outlook and daylight. The rear garden measures approx. 165sqm and is approx. 12m in depth. This meets the adopted local residential standards for garden area.

The dwelling shown on plot two measures approx. 136sqm. This exceeds the National Space Standards which requires 95sqm for a three bedroom, six person, single store dwelling. For the same reasons as above the bedrooms are deemed acceptable. Each habitable room contains a window providing sufficient outlook and daylight. The rear garden measures approx. 341sqm and is over 10m in depth. This meets the adopted local residential standards for garden area.

Neighbouring Amenity

No. 26 Coutts Avenue is located to the west of the application site. Concerns were raised previously by the Council and the Planning Inspector about the two storey dwellings and the impact these would have on this neighbour in terms of being overbearing. These plans now show true bungalows with lower ridge heights and a hipped roof design as opposed to a barn hip. This roof height and design will have a significantly less impact on this neighbour than the dwelling that could be built under the extant permission and therefore will not be overbearing on this neighbour. The additional dwelling will be located to the opposite side of plot 1 and will have no detrimental impact on this neighbour. The proposed dwellings are single storey and therefore there will be no loss of privacy to this neighbour. A condition is recommended to ensure no windows are added to the roof slopes without first obtaining planning permission. Due to the height of the buildings and the path of the sun there will be no significant impact in terms of loss of sunlight or daylight.

The distance between no. 28 and Plot 1 is approx. 20m. This falls short of the recommended distance between habitable room windows of 21m. Whilst this is not ideal, it is noted that the new dwelling is single storey and there will be intervening land between the dwellings in terms of parking area and boundary fencing. On balance the distances between the dwellings is acceptable and no concerns are raised with regards to overlooking. The distances between Plot 2 and 28A exceed 21m.

No. 30 is located to the east of the application site. The proposed bungalows are reduced in scale and therefore any impact will be less than the previous application which was deemed acceptable in amenity terms by the Planning Inspector.

The proposed bungalows will have no significant impact on amenity and therefore accord with policy CS19 of the Gravesham Core Strategy 2014 and para. 135f of the National Planning Policy Framework 2023.

Ecology and Biodiversity

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 waterbirds 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 £314.05 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. The applicants have paid towards the mitigation and therefore the development complies with the requirements of the Habitat Regulations and Section 15 (specifically paragraphs 186 and 187) of the

National Planning Policy Framework 2023 and Policy CS12 of the Gravesham Local Plan Core Strategy 2014.

Biodiversity Net Gain

The site contained a significant amount of tree cover:



(Google 2022)

The plans now show the gardens laid to lawn with some flowerbeds. No trees are shown. The gardens are sufficient in size to accommodate replacement trees and there is an opportunity to mitigate the loss of ecology on the site. A landscaping plan condition is therefore recommended to show more planting than has been submitted with the application and to require one tree for each one lost to the development (usually two trees would be requested but that could result in too much shading of the gardens).

Subject to conditions the proposed development accords with policy CS12 of the Gravesham Core Strategy 2014 and section 15 of the National Planning Policy Framework 2023.

Parking and Highways

Concerns have been raised by residents with regards to the loss of on street parking and the pressure any development will place on the ability park on the street for residents and visitors. The outline planning application showed two spaces for each new dwelling which meets the adopted parking standards and was deemed acceptable. The reserved matters application showed the same level of off road parking and no objection was raised as the standards were still being met. The refused application also showed adequate parking for three additional houses on the site and therefore parking did not form a reason for refusal. The outline plan shows three dropped kerbs (one already exists). As this permission is still extant and therefore can be built, it would be unreasonable to refuse this application on parking grounds in terms of loss of on

street parking.

In summary, the parking provision meets the adopted standards and is therefore acceptable in terms of policy.

Other Material Planning Considerations

Contaminated Land

The Council's Regulatory Services department have requested a watching brief condition and a code of construction condition to be imposed on any forthcoming permission.

Drainage/sewerage informative

The foul sewage shall be removed by means of the mains drainage system and not by the use of non-mains sewerage systems, unless connection to the drainage system is not reasonably practicable.

Conclusion

The proposed development, in terms of appearance, scale and landscaping will have no detrimental impact on the character and appearance of the street scene, amenity, parking and highway safety and therefore accord with the abovementioned policies and is recommended for approval.

Recommendation:

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

Case Officer:	Mrs Alison Webster	Team Leader:	Richard Hart
Signed:		Signed:	<i>R Hart</i>
Dated:	23 January 2024	Dated:	24th October 2024