

Delegated Report

Full Planning Application

Application No:	20231061
Location:	1 Elmfield Close, Gravesend, Kent, DA11 0LP
Description:	Erection of a single storey side and rear extension to existing annexe to form a one bedroom dwelling.
Applicant:	Syon Assest Management
Site Visit:	6 th July 2023

Submitted Documents/Plans

- Application Form – dated 15/09/2023;
- Design and Access Statement;
- Drawing no. 2023/28/01 – Site Location and Block Plan as Existing;
- Drawing no. 2023/28/02 – Ground Floor Plan as Existing;
- Drawing no. 2023/28/03 – First Floor Plan as Existing;
- Drawing no. 2023/28/04 – Second Floor Plan as Existing;
- Drawing no. 2023/28/05 – Elevations as Existing;
- Drawing no. 2023/28/06A – Site Location and Block Plan as Proposed;
- Drawing no. 2023/28/07A – Ground Floor Plan as Proposed;
- Drawing no. 2023/28/08B – First Floor Plan as Proposed;
- Drawing no. 2023/28/09 – Front and Side Elevations as Proposed;
- Drawing no. 2023/28/10 – Rear and Side Elevations as Proposed.
- ~~Drawing no. 2023/28/06 – Site Location and Block Plan as Proposed – SUPERSEDED;~~
- ~~Drawing no. 2023/28/07 – Ground Floor Plan as Proposed – SUPERSEDED;~~
- ~~Drawing no. 2023/28/08 – First Floor Plan as Proposed – SUPERSEDED;~~
- ~~Drawing no. 2023/28/08A – First Floor Plan as Proposed – SUPERSEDED.~~

Plan Note – the agent was contracted regarding the first floor being incorrect in terms of dimensions. The room sizes did not accord with the existing plans and showed the bedroom to be undersized. The plans were amended and resubmitted with the correct floor area.

Relevant Planning History

Reference	Description	Decision	Decision Date
20220448	Demolition of existing one bedroom annexe and erection of a two bedroomed dwelling, with associated works.	REFUSED	21.06.2022
20210901	Demolition of existing one bedroom annexe and erection of a two bedroomed dwelling, with associated works.	REFUSED	14.09.2021

20190455	Erection of a two storey side extension and single storey rear extension.	REFUSED	05.08.2019
20181216	Demolition of existing annexe and construction of a four bedroom dwelling and association works.	REFUSED	16.01.2019
20060623	Continued use of garage as a habitable room; and retention of alterations to front elevation (Retrospective).	PERMITTED	22.01.2007

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS12 – Green Infrastructure
- CS18 – Climate Change
- CS19 – Development & Design Principles

Gravesham Local Plan: First Review (1994)

- 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 12 – Achieving Well-Designed Places

Supplementary Planning Guidance

- SPG 2 – Residential layout guidelines including Housing Standards Policy Statement October 2015 Adopted 1996 – amended June 2020
- Technical Housing Standards – Nationally Described Space Standard (2015)
- SPG 4 – KCC Parking Standards (2006)
- Householder Extensions/Alterations Design Guide (2021)

Consultations, Publicity and Representations

Internal Consultees

GBC Highways Officer – The proposal conforms to guidance, so I have no objections, the carriage crossover already being in existence. Crashmap.co.uk does not show any accidents along Elmfield Close for the 24 year period 1999 to 2022.

In terms of car parking the existing property requires a minimum of 2 spaces whilst the new one a single parking space, which are provided. As is appropriate levels of cycle parking.

Local Ward Councillors – No comment received.

Neighbouring properties

A notice was displayed on site.

In addition, twelve surrounding properties were consulted and thirteen representations were received. There were nine objections and four in support of the application.

The objections have been separated into material and non-material planning considerations. Please note only the material planning considerations are relevant to this application.

Material Planning Considerations

- Loss of Light
- Parking Impacts
- Fear of conversion into HMO
- Impact to emergency vehicles
- Previously refused developments

Non-material Planning Considerations

- Right to air
- Property is currently rented and the new dwelling will be the same

The consultation period expired 1st December 2023.

Preliminary Matters

This application follows a number of refused proposals that sought to extend the existing annexe and create a separate dwelling. The latest of these refusals were issued in 2021 (ref. 20220448) proposed the “*demolition of existing one bedroom annexe and erection of a two bedroomed dwelling, with associated works*”, and was refused on the following grounds:

1. *The proposed dwelling will be a cramped form of development on a prevalent corner plot, which by virtue of its height and width is harmful to the openness within the street scene and adds notable bulk to the end of the existing terrace, while also lacking subservience. Therefore, the proposed development is contrary to Policy CS19 (Development and Design Principles) of Gravesham’s Local Plan Core Strategy (LPCS) and Paragraph 127 of the National Planning Policy Framework (NPPF) (2021).*
2. *The proposal fails to secure a contribution towards strategic mitigation measures within Special Protection Areas, and in the absence of this contribution or adequate information to inform an Appropriate Assessment, the development fails to comply with the requirements of the Habitat Regulations and Section 14 (specifically paragraphs 170, 175, 176 and 177) of the National Planning Policy Framework (NPPF) and Policy CS12 of the Gravesham Local Plan Core Strategy 2014.*

It is noted that this application is at a reduced scale to the previous proposals, however must still overcome the previous grounds of refusal to receive a positive determination.

Officer’s Analysis

Site Description

1 Elmfield Close is a three storey townhouse located on the southern side of the highway. The property has an existing two storey side extension, formerly a garage, which is used as an annexe. The frontage of the property is hard-paved and utilised for vehicular parking, its crossover has been extended closer to the junction.



Proposed Development

This application proposes the erection of single storey extensions to the side and rear of the existing annexe. As part of the development the garden area for the annexe would be extended to the rear fence, to create a new one bedroom dwelling.

The extensions would have the following dimensions:

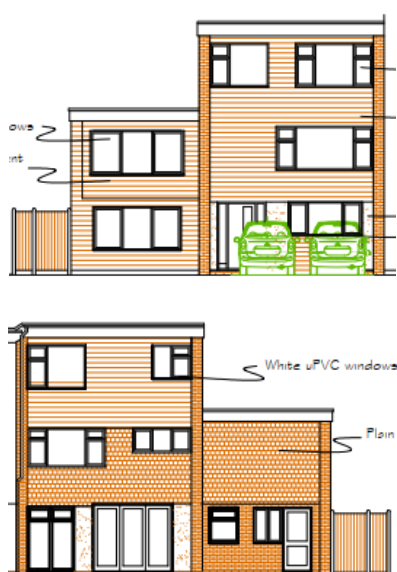
Side Extension:

- Depth - 6.25m
- Width - 1.5m
- Height - 2.7m

Rear Extension:

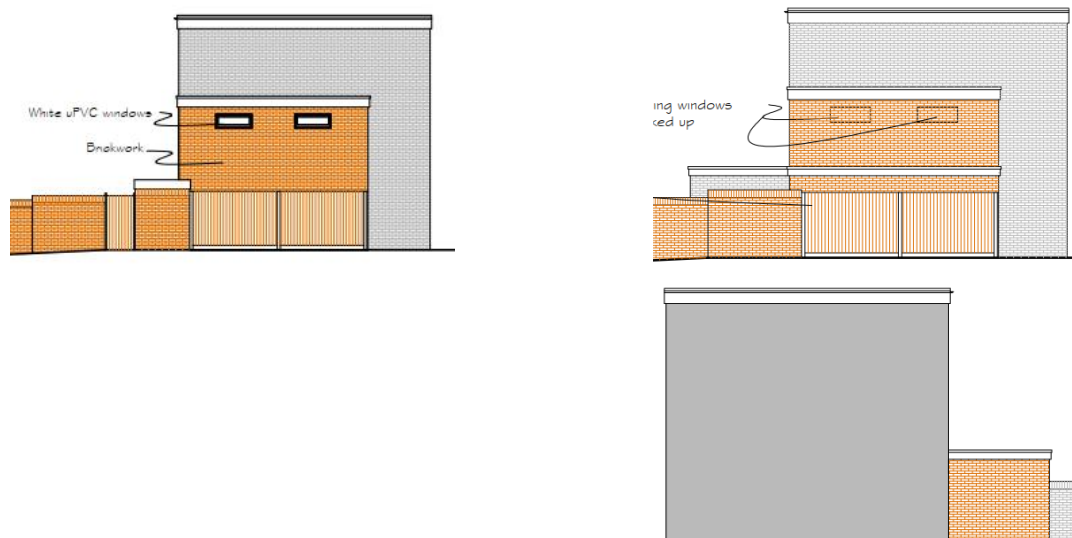
- Depth - 3m
- Width - 4.05m
- Height - 2.7m

Existing Elevations



Proposed Elevations





Principle of the Development

The site is defined on the Policies Map of the Gravesham Local Plan Core Strategy (the Core Strategy) as lying within the urban area. Policy CS02 of the Core Strategy prioritises development in the urban area as a sustainable location for development. As such, there is no objection to the broad principle of residential development within this location subject to it meeting the detailed requirements of government and development plan policy.

The principle considerations in the assessment of this application are:

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

Housing Need

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 National Planning Policy Framework (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 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 (2023) 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)
- 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 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 contribute positively to the overall quality of the area, be visually attractive, sympathetic to local character and create acceptable amenity for future occupiers.

Design, Character and Appearance

Policy CS19 of the Gravesham Local Plan Core Strategy (2014) states that new development will be visually attractive, fit for purpose and locally distinctive. It also seeks to conserve and enhance the character of the local built, historic and natural environment and integrate well with the surrounding local area, whilst ensuring that the design, layout and form of new development will be derived from a robust analysis of local context and character and make a positive contribution to the street scene, the quality of the public realm and the character of the area.

The development proposes to erect a single storey side and rear extension to the annexe. This is a significant reduction in built form and scale compared to the previously refused two storey upward extension. The reduced scale and bulk serves to reduce prominence on the corner and lessen the impact on the street scene. Moreover, the side extension does not project out beyond the rear wall of the building, is set away from the edge of the footway and at a low height of 2.7m, which lessen the impact and dominance on the corner.

Overall, the proposed extensions are minimal and have been designed to reduce impact on the street scene and to be proportionate to the modest two storey annexe. The side extension is set in from the edge of the footway and is at a height to limit its prominence on the corner plot and both extensions will be constructed using matching materials to the existing building and other similar dwellings within the street. Therefore, the development is considered to be well designed and in accordance with Policy CS19 (LPCS) and Section 12 of the NPPF (2023).

Amenity of Future Occupiers

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

The proposed dwelling has a gross floorspace of 57m². The Nationally Described Space Standards require a two storey, one bedroom, two person dwelling to have a minimum floor area of 58.3m², and as such the dwelling would marginally fall below the requirement of the NDSS.

Notwithstanding this, Gravesham's RLG breaks down the measurements further, recommending minimum floor areas for specific rooms as shown in the table below. These recommended minimum floor areas have been compared to the proposed room sizes within the property:

	RLG (minimum floor area)	Proposed Room Size
Kitchen/Living/Diner	25.2m ²	29.4m ²
WC	1.3m ²	2m ²
Double Bedroom	11.5m ²	12.2m ²
Bathroom	3.6m ²	3.3m ²

The table demonstrates that all rooms provided within the dwelling accord with the RLG, with the exception of the ensuite bathroom. This room is shown on the floor plan to include a shower basin, and as a shower basin requires less space than a bath, this room is considered acceptable in terms of floor area.

The garden area serving the new dwelling would have a maximum depth of 9.75m and an area of 59m², which exceeds the minimum requirement for a one bedroom property set out within the RLG (7.6m / 37.2m²).

Overall, the proposed dwelling would provide an acceptable living environment for future occupiers and is in accordance with local and national residential layout guidelines. Therefore, the development is considered to safeguard the amenity of future occupiers in accordance with Policy CS19 (LPCS) and Section 12 of the NPPF (2023).

Neighbouring Amenity

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

The new dwelling will not extend the existing annexe forward or upward of the existing annexe, with the only additional built form being introduced at single storey level to the side and rear. Therefore, the proposed extensions will not cause any issues with overshadowing. Moreover, there will be no additional

windows introduced at first floor level that would introduce any overlooking. Lastly, the new dwelling will not impact on the outlook or result in a sense of enclosure for any neighbouring properties.

A number of representations were received from neighbouring properties which raised some material planning considerations. The matter of loss of light has been addressed above, and given that the proposed dwelling would only extend to the rear of no.1 Elmfield Close at single storey level at a depth of 3.1m and would not impact the amenity of neighbours through loss of light.

In terms of parking issues, this matter will be addressed in the section below and the design concerns with the development have been addressed in the Character and Appearance section above.

The concerns raised by neighbour relating to the property being separated into a HMO (house of multiple occupation) are material, however this would require planning consent and is not large enough to warrant a division as such. It is noted that no.10 Elmfield Drive has been granted a HMO licence, however as this application does not propose division into a HMO this is speculative, and not a reason to refuse the proposal.

Overall, the proposal is considered to safeguard the amenity of neighbouring properties in accordance with Policy CS19 (LPCS) and Section 12 of the NPPF (2023).

Parking and Highways

There are no parking or highway concerns relating to this proposal. The proposal will provide one off street parking space for the new dwelling and two spaces will be retained for the existing dwelling, which is in accordance with Gravesham's adopted parking standards (SPG4) (2006). The existing driveway already benefits from a large dropped kerb which is an adequate size for the parking layout. There were concerns raised by neighbours relating to the development impacting on emergency service access into the road, however as stated above the proposal provides adequate parking for a one bedroom property which accords with parking standards.

There is no objection from the Highways Officer and the visibility splays of the driveways will be conditioned to ensure that any planting on the boundary is kept below a height of 600mm.

Therefore, subject to conditions relating to visibility splays the proposed parking layout is in accordance with highway policy.

Any Other Material Planning Considerations

Ecology and Bird Mitigation - The proposed development will not increase the number of bedrooms within the annexe and would retain one bedroom. The previous refusals proposed an increase in residential activity and therefore triggered the requirement of the SAMMS mitigation payment for the Thames Estuary and RAMSAR site, however this development does not meet the threshold.

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

The plans demonstrate a bin store in the garden, which would have adequate space for a one bedroom dwelling. The bins would be collected in a similar manner to other properties on Elmfield Close.

Therefore, subject to appropriate planning conditions the proposal is in accordance with Policy CS19 (LPCS).

Conclusion

The application has been fully considered and is in accordance with local and national planning policy.

The proposed development would extend the existing annexe to convert it into a one bedroom dwelling. The single storey side and rear extensions are not excessive in size or bulk, will be constructed using matching materials and are proportionate to the scale of the building. The dwelling will provide acceptable living conditions for future occupiers, will safeguard the amenity of neighbouring properties and will deliver appropriate parking in accordance with parking standards.

Therefore, it is recommended that permission is granted subject to conditions.

Recommendation

Permission

(For detailed conditions 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:	18 th December 2023	Dated:	19th December 2023