

# Delegated Report

## *Full Planning Application*

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|------------------------|-------------------------------------------------------------|
| <b>Application No:</b> | 20230182                                                    |
| <b>Location:</b>       | 137 Barr Road, Gravesend, Kent, DA12 4DX                    |
| <b>Description:</b>    | Construction of a new build dwelling house (C3 Use Class).  |
| <b>Applicant:</b>      | Mr Qiu, FAO Zanoply Ltd                                     |
| <b>Site Visit:</b>     | 17 <sup>th</sup> July 2019 / 10 <sup>th</sup> November 2022 |

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### Submitted Documents/Plans

Application Form - dated 27/02/2023;  
Un-numbered Location Plan - Ordnance Survey Site Location Plan (scale 1:1250);  
Un-numbered Location Plan - Existing Block Plan (scale 1:500);  
Un-numbered Plan Drawing - Existing Ground Floor Plan (dated 01/07/2022);  
Un-numbered Plan Drawing - Existing First Floor Plan (dated 01/07/2022);  
Un-numbered Plan Drawing - Existing Second Floor Plan (dated 01/07/2022);  
Un-numbered Plan Drawing - Existing Roof Plan (dated 01/07/2022);  
Un-numbered Plan Drawing - Existing Front South Elevation (dated 01/07/2022);  
Un-numbered Plan Drawing - Existing Rear North Elevation (dated 01/07/2022);  
Un-numbered Plan Drawing - Existing Side East Elevation (dated 01/07/2022);  
Un-numbered Plan Drawing - Existing Side West Elevation (dated 01/07/2022);  
Un-numbered Plan Drawing - Existing Front Street South Elevation (dated 01/07/2022);  
Un-numbered Plan Drawing - Existing Rear Street North Elevation (dated 01/07/2022);  
Un-numbered Plan Drawing - Existing Section A (dated 01/07/2022);  
Un-numbered Plan Drawing - Proposed Ground Floor Plan (dated 01/07/2022);  
Un-numbered Plan Drawing - Proposed First Floor Plan (dated 01/07/2022);  
Un-numbered Plan Drawing - Proposed Second Floor Plan (dated 01/07/2022);  
Un-numbered Plan Drawing - Proposed Roof Plan (dated 01/07/2022);  
Un-numbered Plan Drawing - Proposed Front South Elevation (dated 01/07/2022);  
Un-numbered Plan Drawing - Proposed Rear North Elevation (dated 01/07/2022);  
Un-numbered Plan Drawing - Proposed Side East Elevation (dated 01/07/2022);  
Un-numbered Plan Drawing - Proposed Side West Elevation (dated 01/07/2022);  
Un-numbered Plan Drawing - Proposed Front Street South Elevation (dated 01/07/2022);  
Un-numbered Plan Drawing - Proposed Rear Street North Elevation (dated 01/07/2022);  
Un-numbered Plan Drawing - Proposed Section A (dated 01/07/2022).

### Plan Note

The plans submitted are inaccurate and not up to date as they do not show the rear extension or outbuilding on the site. The 6m single storey rear extension approved in 2021 (20211330) has been constructed and is not shown on the plans, however this will be taken into consideration for the garden area of the existing property. The outbuilding was highlighted in the previous application (ref. 20220734) and it is unclear if this would be retained as part of this development.

## **Relevant Planning History**

| <b>Reference</b> | <b>Description</b>                                                                                                                                                                                                                                                                        | <b>Decision</b>                         | <b>Decision Date</b> |
|------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|----------------------|
| 20220734         | Construction of a new build dwelling house (C3 Use Class).                                                                                                                                                                                                                                | REFUSED                                 | 11.11.2022           |
| 20211360         | Erection of a two storey rear extension and a front porch.                                                                                                                                                                                                                                | PERMITTED                               | 06.01.2022           |
| 20211330         | Single storey rear extension with a depth of 6.00 metres, maximum height of 3.30 metres and eaves height of 3.00 metres.                                                                                                                                                                  | PRIOR APPROVAL NOT REQUIRED             | 03.12.2021           |
| 20200050         | Conversion of C3 Dwelling House into 3 x self-contained unit(s) with the construction of a single-storey rear extension, double storey rear; side extension, hip to gable roof conversion, single storey rear outbuilding, minor alterations to the front forecourt and soft landscaping. | REFUSED                                 | 17.04.2020           |
| 2020/00056 /REF  |                                                                                                                                                                                                                                                                                           | APPEAL DISMISSED                        | 21.06.2021           |
| 20191001         | Conversion of C3 Dwelling House into 3 x self-contained unit(s) with the construction of a single-storey rear extension, double storey rear; side extension, hip to gable roof conversion, single storey rear outbuilding, minor alterations to the front forecourt and soft landscaping. | WITHDRAWN                               | 15.11.2019           |
| 20190019         | <b>**REVISED PLANS**</b> Erection of a two storey side extension.                                                                                                                                                                                                                         | PERMITTED                               | 08.04.2019           |
| 20190018         | Erection of a two storey rear extension.                                                                                                                                                                                                                                                  | PERMITTED                               | 13.03.2019           |
| 20190017         | Application for a Lawful Development Certificate in respect of the proposed construction of a dormer extension in the rear roof slope incorporating a hip to gable roof alteration and conversion of the roof space into habitable rooms.                                                 | CERTIFICATE REFUSED                     | 04.03.2019           |
| 20190016         | Single storey rear extension with a depth of 6 metres, maximum height of 3.3 metres and eaves height of 2.8 metres.                                                                                                                                                                       | PRIOR APPROVAL IS REQUIRED AND APPROVED | 19.02.2019           |
| 20171355         | Erection of a four bedroom detached dwelling.                                                                                                                                                                                                                                             | REFUSED                                 | 25.04.2018           |
| 2018/00036 /REF  |                                                                                                                                                                                                                                                                                           | APPEAL DISMISSED                        | 29.04.2019           |
| 20130070         | Application for renewal of planning permission reference number 20100302 for erection of two storey                                                                                                                                                                                       | PERMITTED                               | 28.03.2013           |

|          |                                                                                                                                                                                                    |           |            |
|----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|------------|
|          | side extension to form a dining room and wc at ground floor level with enlarged bedroom and ensuite bathroom/wc at first floor level and erection of a porch at the rear.                          |           |            |
| 20100614 | Application for approval of condition 4 attached to planning permission reference number 20100302 relating to the removal of the window at front and installation of new window in side elevation. | WITHDRAWN | 02.02.2011 |
| 20100302 | Erection of two storey side extension to form a dining room and wc at ground floor level with enlarged bedroom and ensuite bathroom/wc at first floor level and erection of a porch at the rear.   | PERMITTED | 01.06.2010 |

## **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 Style
- 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 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** - As presented I would recommend refusal of the application. Fifty percent of the parking at the rear for the new and existing property is compromised by the proposed bin stores, these would need to be relocated. In addition, no secure cycle parking is provided for the new dwelling, with two bedrooms secure cycle parking should be provided for two cycles.

In addition, it appears the proposal conflicts with the requirements of the Building Regulations.

Approved Document B Fire Safety, The Building Regulations 2010

### Provision and design of access routes and hardstandings

**13.1** For dwellinghouses, access for a pumping appliance should be provided to within 45m of all points inside the dwellinghouse.

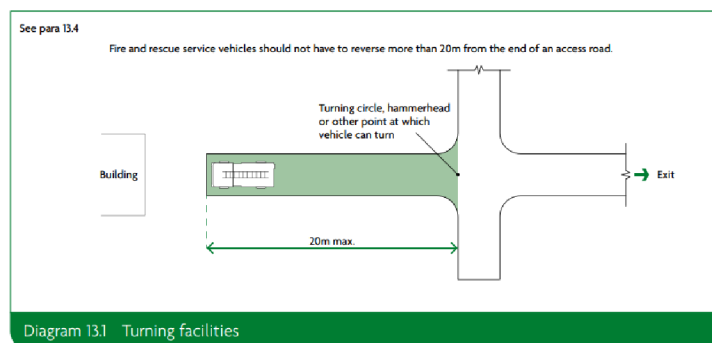
Every elevation to which vehicle access is provided should have a suitable door(s), not less than 750mm wide, giving access to the interior of the building.

| Table 13.1 Typical fire and rescue service vehicle access route specification |                                         |                               |                                          |                                          |                              |                                    |
|-------------------------------------------------------------------------------|-----------------------------------------|-------------------------------|------------------------------------------|------------------------------------------|------------------------------|------------------------------------|
| Appliance type                                                                | Minimum width of road between kerbs (m) | Minimum width of gateways (m) | Minimum turning circle between kerbs (m) | Minimum turning circle between walls (m) | Minimum clearance height (m) | Minimum carrying capacity (tonnes) |
| Pump                                                                          | 3.7                                     | 3.1                           | 16.8                                     | 19.2                                     | 3.7                          | 12.5                               |
| High reach                                                                    | 3.7                                     | 3.1                           | 26.0                                     | 29.0                                     | 4.0                          | 17.0                               |

**NOTES:**

1. Fire appliances are not standardised. The building control body may, in consultation with the local fire and rescue service, use other dimensions.
2. The roadbase can be designed to 12.5 tonne capacity. Structures such as bridges should have the full 17-tonne capacity. The weight of high reach appliances is distributed over a number of axles, so infrequent use of a route designed to accommodate 12.5 tonnes should not cause damage.

**13.4** Dead-end access routes longer than 20m require turning facilities, as in Diagram 13.1. Turning facilities should comply with the guidance in Table 13.1.



In terms of construction access, if you are minded to approve it is suggested that all deliveries and removal of waste should be via Barr Road, the site is some 62 metres along the rear access from Thong Lane and this exceeds the maximum reversing distance in the Kent Design Guide.

### Vehicle Turning Considerations

- large service vehicles should not be expected to reverse more than 40m
- refuse vehicles should not be expected to reverse more than 20m
- pantechnicons should not be expected to reverse more than 60m
- cars and smaller service vehicles should not be expected to reverse more than 25m.
- designers should note that poor provision for parking of large vehicles will affect accesses.

**Local Ward Councillors** - No comment received.

## Neighbouring properties

A notice was displayed on site.

In addition, thirteen surrounding properties were consulted and four representations were received. The representations registered objection to the development and the comments have been summarised below:

*It is important to note that only material planning considerations are relevant to the decision and will be assessed in this report.*

### Material Planning Considerations

- Out of Character
- Amenity Impacts - loss of privacy and overlooking
- Noise from use
- Distance of new dwelling to neighbours
- Inaccurate Plans - not showing extension to 137 Barr Road / outbuilding on the site

### Non-Material Planning Considerations

- Private Issues between Neighbours - land/boundary disputes and private rights of access (vehicle access)
- Noise and Disturbance from building works

The overall consultation period expired 28<sup>th</sup> April 2023.

## Preliminary Matters

The site has been subject to numerous planning applications for extensions to the dwelling, subdivision of the dwelling and the erection of a new detached property within the curtilage. The first application for the erection of a new dwelling (ref. 20171355) was refused and dismissed at appeal. The application was refused for the following reasons:

1. *The proposed dwelling to the side garden of no 137 Barr Road by virtue of its siting, size, bulk, massing and design would appear as a cramped and overly dominant form of development and would constitute an overdevelopment of the plot. This would be out of keeping with the relatively spacious character of the dwellings in the surrounding area. As such, the proposal is contrary to Policies CS14, CS15 and CS19 of the Gravesham Local Plan Core Strategy, September 2014 and paragraphs 17 and 53 and Section 7 (Requiring Good Design) of the National Planning Policy Framework which seek to ensure that new development, is amongst other things, locally distinctive and reinforces the local character of the area.*
2. *The proposed dwelling by virtue of its siting, size, bulk, massing and design would be harmful to the amenity and privacy of occupiers of the host dwelling (137 Barr Road) and neighbouring occupiers in relation to being overbearing and resulting in: overshadowing; overlooking; and a loss of privacy. As such the proposal is contrary to Policy CS19 of the Gravesham Local Plan Core Strategy, September 2014 and paragraph 17 of the National Planning Policy Framework which seek to ensure, amongst other things, that new development shall avoid causing harm to the amenity of its occupants and those of neighbouring properties.*
3. *The proposed vehicular parking access is via a private unmade access that is too far from a metalled highway and of a restricted width. A vehicle would not be able to manoeuvre into the driveway sufficiently nor would there be sufficient vehicle/pedestrian separation along the access way and therefore the proposal would be detrimental to highway and pedestrian safety contrary to Policy CS11 of the Gravesham Local Plan Core Strategy, September 2014 and saved Policies T5 and P3 of the Gravesham Local Plan First Review, 1994.*

4. *The proposed development will result in an intensification of use of the existing rear access, which is too narrow to provide adequate and safe passage for the emergency services and pedestrians entering and leaving the site. The proposal would therefore not comply with Kent Design Guide Section 2.3.4 page 144 (Creating the Design) which states fire engine vehicles should not be expected to reverse more than 20m. Therefore the proposal fails on T1 and P3 of Gravesham Local Plan First Review (1994), Policy CS11 of Gravesham Core Strategy*
5. *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 11 (specifically paragraphs 109 and 118) of the National Planning Policy Framework and Policy CS12 of the Gravesham Local Plan Core Strategy 2014.*

A more recent application for the 'construction of a new build dwelling house (C3 Use Class)' (ref. 20220734) was refused by the Local Planning Authority. The application was refused for the following reasons:

1. *The proposed dwelling in the rear garden of 137 Barr Road by virtue of its location, siting, bulk and massing would appear as an inappropriate and cramped form of development within the garden constituting overdevelopment of the rear garden. This would appear out of place with the character of the surrounding area and grossly out of proportion with low level garages/outbuildings at the rear, and erode the degree of spaciousness of the built form in the immediate area. As such, the proposal is contrary to Policies CS14 (Housing Type and Style), CS15 (Housing Density) and CS19 (Development and Design Principles) of the Gravesham Local Plan: Core Strategy (2014) and Section 12 (Achieving well-designed places) of the National Planning Policy Framework (2021).*
2. *The proposed development provides a cramped and undersized dwelling and would create a poor quality living environment harmful to the amenity of future occupiers contrary to Gravesham's Residential Layout Guidelines (2020) and the National Space Standards (2015). In addition, there would be a poor means of access to the property the site through a convoluted and shared pedestrian access past the front door of the neighbouring property. As such, the proposal is therefore contrary to Policy CS19 (Development and Design Principles) of the Gravesham Local Plan: Core Strategy (2014) and Section 12 (Achieving well-designed places) of the National Planning Policy Framework (2021).*
3. *The scale, form and orientation of the proposed dwelling fails to safeguard the amenity of neighbouring properties, resulting in an overbearing and unneighbourly form of development in close proximity to the common boundary and result in unacceptable levels of both direct and perceived overlooking of neighbouring gardens and properties, which is contrary to Policy CS19 (Development and Design Principles) of Gravesham Local Plan: Core Strategy (2014) and Section 12 (Achieving well-designed places) of the National Planning Policy Framework (2021).*
4. *The proposed dwelling is located in a suburban area and the development fails to provide any vehicular parking, contrary to guidance which requires the provision of two parking spaces for a three bedroom dwelling. Therefore, the proposal significantly underdelivers off-street parking, in a peripheral location and is in conflict with Policy CS11 (Transport) of Gravesham's Local Plan: Core Strategy (2014), Gravesham's adopted parking standards (SPG4) (2006) and Kent Design Review Interim Guidance Note 3 (2008).*
5. *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 (2021) and Policy CS12 (Green Infrastructure) of the Gravesham Local Plan: Core Strategy (2014).*

The reasons for refusal and considerations from the two previously refused applications and dismissed

appeal are relevant to this application.

## **Officer's Analysis**

### **Site Description**

137 Barr Road is one of the end units in a terraced block of six dwellings. The terrace has a simple, symmetrical design, with a single main hipped roof, and a shallow forward-facing projection at either end, each with its own subordinate hipped roof. This block forms part of a formal arrangement of three such terraces, set at 90 degrees to each other, enclosing a central grassed square and is distinct from the more conventional linear patterns of development on Barr Road.



Although not architecturally distinctive, the terrace has a consistent and uniform layout which contributed positively to the character and appearance of the street. The immediate area is made up of similar houses and the wider area contains a variety of dwellings. Overall, the area displays a degree of spaciousness, notwithstanding that some houses are formed in terraces.

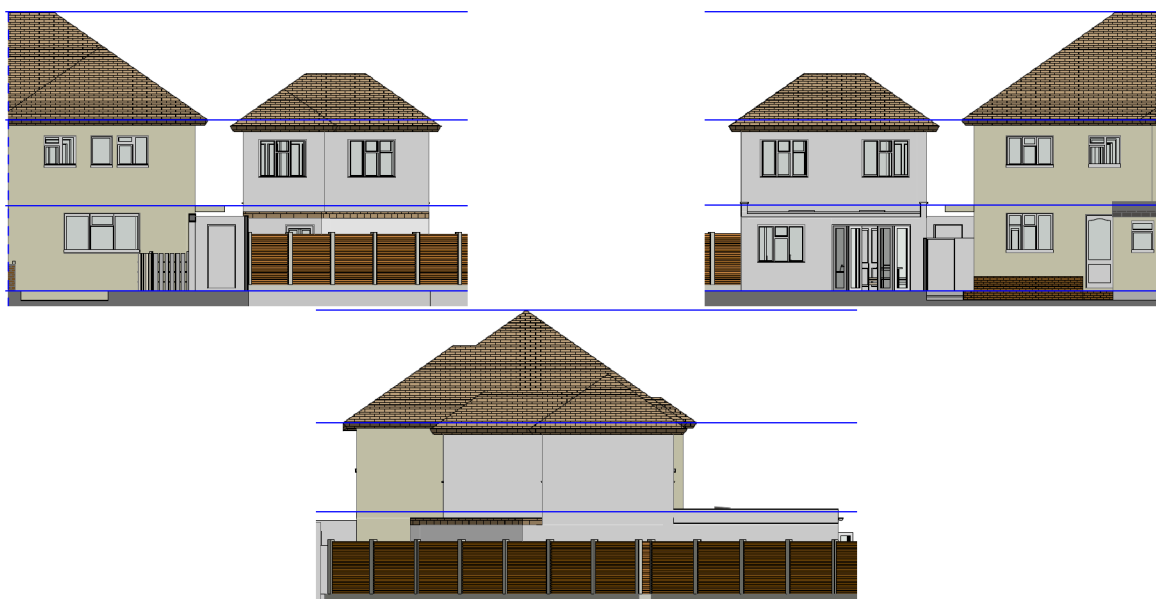
### **Proposed Development**

This application proposes the subdivision of the garden and the construction of a two storey, two bedroom detached dwelling. The proposed dwelling would be adjacent to the existing property, with an angled frontage on the boundary and would project beyond the rear wall of the existing property by 5m.



The proposed dwelling will have a footprint of 70.5m<sup>2</sup> and a gross internal floor area of 86.4m<sup>2</sup>, with the following dimensions:

- Depth - 13m
- Width - 5.85m
- Height (max) - 6.85m
- Height (eave) - 5.4m



The proposed dwelling will contain an open plan kitchen/living/diner and bathroom on ground floor, with one double bedroom and one single bedroom at first floor. The dwelling would be accessed on foot by a shared path to the front from Barr Road, and has a shared driveway at the rear with a separate gate into the garden.

### 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
- Density of the Development
- Design, Character and Appearance
- Amenity of Future Occupiers
- Neighbouring Amenity
- Parking and Highways
- Any Other Material Planning Considerations

### Housing Need

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), 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 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.

### **Density of the Development**

Development on this site should meet the requirements of Policy CS14 (LPCS), where the Council expects new housing development to provide a range of dwelling types and sizes, taking into account the existing character of the area. Policy CS15 (LPCS) requires that all new housing will be developed at a density, which is consistent with achieving good design and does not compromise the distinctive character of the area in which it is situated. These policies will be considered and assessed against the proposal later in this report.

### **Design, Character and Appearance**

Policy CS19 (Development and Design Principles) (LPCS) 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. Paragraph 126 of the NPPF (2021) states that good design is a key aspect of sustainable development. Paragraph 130 of the NPPF (2021) seeks to ensure that development will add to the quality of an area, be visually attractive, and sympathetic to local character and history.

Whilst it is recognised that development which makes effective use of land should be supported (paragraph 121), this comes with the proviso that it should safeguard and improve the environment and not conflict with other policies in the NPPF. Relevant to this proposal, paragraph 124 of the NPPF (2021) states that developments that make efficient use of land should be supported, taking into account the identified need for different types of housing, the desirability of maintaining an area's prevailing character and setting, and the importance of securing well-designed places.

In a similar vein, Policy CS14 (LPCS) sets out that new housing development is expected to provide a range of dwelling types and sizes, taking into account the existing character of the area and evidence of

local need to create sustainable and balanced communities. The proposal forms a 1 bedroom detached dwelling and this would therefore be supported by Policy CS14 (LPCS), providing design and character is also acceptable.

Policy CS15 (LPCS) seeks to achieve a minimum density for residential development in the urban area of 40 dwellings per hectare, subject to the overriding consideration that it achieves good design and does not compromise the distinctive character of the area. The application site measures 0.00556 hectares and two dwelling on this site would have a density of 35.9 dwellings per hectare, falling below the minimum density target of 40 dwellings per hectare. Although falling below the minimum target, the proposed site is not close to the transport hub of Gravesend Town Centre (for example, Gravesend station is over 3.7km away), and therefore a higher density would not be sought in this location.

The application site is located within the wider urban boundary of Gravesend, in a residential area that comprises of mostly two storey terraced properties on Barr Road. As such, the house types in the immediate vicinity are uniform in character and their plot sizes are typically fairly generous, the properties are set back from the highway with good sized rear gardens. The proposed dwelling would be at odds with the uniformity of properties on Barr Road by virtue of being detached, narrow and at a lower height. The scale of the proposed dwelling signifies the cramped, contrived and convoluted nature of the development, with the constraints of the site meaning the property is extremely narrow and compressed. Therefore, the proposed dwelling is out of proportion with the established built form, would appear out of context with the established character and is incongruous design by virtue of scale.

Moreover, although the existing garden area is larger than other nearby curtilages, it is not sufficient to accommodate a new dwelling. The angle of the boundary significantly narrows towards the east, to the point of the triangle (as demonstrated in the site photographs from 2019) and the new dwelling will be cramped into this space. However, this space is further compromised by a new outbuilding.



2019



2022

The site was previously not considered appropriate for an additional dwelling, nor for extensions and subdivision of the property into separate units, and these concerns have not been overcome as part of this proposal. As such, the proposed is overdevelopment of the site.

Overall, the proposal represents a cramped and contrived form of development that is out of character with the established built form and grossly out of scale with existing surrounding properties. The new dwelling would be out of place, poor design and overdevelopment, contrary to Policies CS14, CS15 and CS19 (LPCS) as well as Section 12 of the NPPF (2021), which seeks to achieve well-designed places.

## Amenity of Future Occupiers

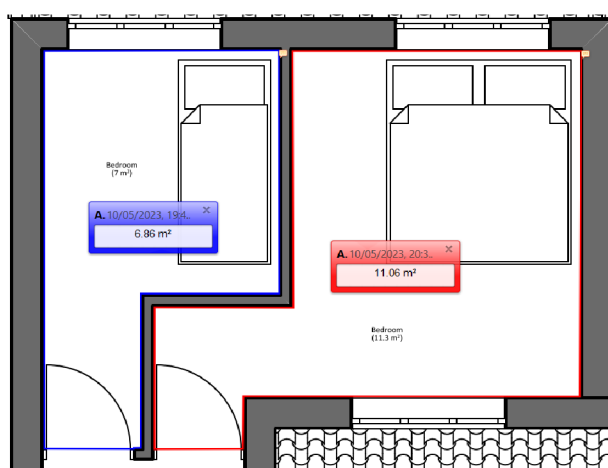
Policy CS19 (LPCS) requires that all development should be 'fit for purpose' and be 'adaptable to allow changes to meet the need of users' and that 'the design and layout of new residential development, including conversion, will accord with the adopted Residential Layout Guidelines' (RLG) (2020). Moreover, 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 Nationally Described Space Standards (NDSS) (2015) require a two storey, three person dwelling to have a floor area of 70m<sup>2</sup>. The floor area of the proposed dwelling is approximately 84.6m<sup>2</sup>, which would comply with 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 for comparison.

|                      | RLG<br>(minimum<br>floor area) | Proposed Room<br>Size |
|----------------------|--------------------------------|-----------------------|
| Kitchen/Living/Diner | 25.2m <sup>2</sup>             | 44.1m <sup>2</sup>    |
| Bathroom / WC        | 3.6m <sup>2</sup>              | 7.75m <sup>2</sup>    |
| Double Bedroom       | 11.5m <sup>2</sup>             | 11.06m <sup>2</sup>   |
| Single Bedroom       | 7.5m <sup>2</sup>              | 6.86m <sup>2</sup>    |

*Note - the minimum floor area required for single/double bedroom within the RLG falls below the minimum required in the National Space Standards. The RLG states (page 3) that the measurements for a single bedroom should be 7.5m<sup>2</sup> and for a double bedroom 11.5m<sup>2</sup> in accordance with the larger requirement in the National Space Standards.*

Table 2 has been colour coded (green complies, red fails) to show which rooms within the dwelling meet the guidance within the RLG. The table demonstrates that the majority of rooms are in accordance with the recommendations and will provide acceptable living conditions for future occupiers, with the exception of the bedrooms. Therefore, the proposed dwelling would provide undersized rooms contrary to the NDSS and RLG. The annotations on the floorplans are incorrect and measure below the measurement provided (see image below):



Policy CS19 (LPCS) requires development to safeguard the amenity, including privacy, daylight and sunlight, but also appropriate ventilation for future occupiers. The kitchen/living/dining room has a depth of 8.45m, with the living area being located to the rear of the room. The room would be served by bifold doors and a window, with two velux windows positioned above the kitchen/dining area. The room is single aspect with north facing windows and velux' are positioned to the north of the upper storey of the building. These windows are 5.7m and 2.7m respectively from the living space. As such, the long room and poor layout

would create a dark and gloomy living area, which is a habitable room and should be served by adequate natural light.

The rear garden area for the proposed dwelling is cramped with a depth of 13m and an area of 137.8m<sup>2</sup>. The RLG states that the garden area for a two bedroom dwelling should have a minimum area of 37.2m<sup>2</sup> and a minimum depth of 7.6m. Therefore, the proposed dwelling would have an acceptable private amenity space.

As demonstrated above this scheme fails this on the following grounds:

- Undersized bedrooms
- Poor provision of natural lighting into habitable rooms

In summary, the proposed development would provide poor living conditions to the future occupiers of the development and would cause material harm to their amenity. As such, the proposal is contrary to Policy CS19 (LPCS) and Section 12 of the NPPF (2021).

### **Neighbouring Amenity**

Policy CS19 (LPCS) seeks to protect amenity and ensure acceptable future living conditions. Section 16 of the NPPF (2021) also assists and seeks to ensure developments will function well, do not undermine quality of life and create attractive and comfortable places to live, work and visit and seeks to “secure high-quality design and a good standard of amenity for all existing and future occupants of land and buildings”.

Any back-land development in a relatively dense residential area raises concerns with neighbouring amenity. The screenshot below demonstrates the approximate position of the new dwelling within the surrounding context. It is 1.45m from the application property (no. 137) and is approx. 4.5m from the neighbouring property no. 139. The new dwelling would be approx. 44m from the adjoining properties on Thong Lane and approx. 48m from the properties on Rochester Road.



The proposed dwelling would be constructed close to the host dwelling, adjacent to its flank wall and extending beyond its rear wall by 5m at single storey level. The existing dwelling would retain a garden area of 75m<sup>2</sup>, with a depth of 9.4m (taking into account the 6m rear extension). This would comply with the requirements set out in the RLG for a three bedroom property. There are no flank windows facing the host dwelling and there would be no impact in terms of overlooking or loss of light. However, the narrow pathway between the properties (1.45m) and construction of the new dwelling close to the main access of the host property would result in an unacceptable sense of enclosure and a tunnelling effect. Therefore, the proposed property would have a detrimental impact on the host dwelling and is an overbearing development harmful to the amenity of the occupiers of no.137 Barr Road.

In relation to no.139, the new dwelling would directly face the flank all of the neighbour with two first floor windows facing the neighbours' property. Due to the siting, angle and form of the proposed dwelling, it is considered the new dwelling would appear over-dominant when viewed from the garden at no.139 and the

front bedroom window would result in direct overlooking into the private amenity space of the neighbour. Moreover, the two windows would be visible from the garden space and entrance of the neighbours' dwelling and would significantly increase perceived overlooking to the detriment of their amenity.

The properties at the rear on Thong Lane are approx. 44m from the proposed dwelling. There are no flank windows proposed and as such the proposal is not considered to impact the amenity of any properties on Thong Lane. Similarly, the proposed dwelling would not directly impact on the amenity of properties on Rochester Road. Although at an elevated position in relation to those properties, the new dwelling would significantly exceed the minimum 23m privacy distance over gardens as set out in Gravesham's RLG.

A representation was received from a neighbouring property relating to noise generated through use of the new dwelling impacting on amenity. The proposed dwelling is located within a residential area and is considered to be appropriate for family, therefore given the surrounding context and size of the building noise is not considered to have any impact on neighbouring amenity.

Overall, the proposed development is an unneighbourly form of development which will cause material harm to the amenity of adjoining properties. The location of the proposed dwelling on the boundary with the neighbour with first floor windows would result in unacceptable levels of direct and perceived overlooking, will have an overbearing and dominating impact by creating an increased sense of enclosure and tunnelling effect for occupiers of the host dwelling, and therefore fails to safeguard the amenity of adjoining residents. As such the proposed dwelling is contrary to Policy CS19 (LPCS) and Section 12 of the NPPF (2021).

## **Parking and Highways**

Any proposals would need to be considered against saved policy T1 (LPFR) (1994) and Policy CS11 (LPCS). These policies ensure that development provides an acceptable amount of parking in accordance with the adopted KCC Parking Standards and the access and parking arrangements do not have a detrimental impact on highway safety.

The development would provide four off-street parking spaces at the rear of the site, accessed by the vehicle access track. This would accord with Gravesham's adopted parking standards (SPG4) by delivering two parking spaces for each property. However, the Council's Highway Officer recommended that this application is refused on highway grounds. The comment received raised a number of reasons why the application is unacceptable:

- Parking area compromised by bin stores
- Lack of secure cycle parking
- Conflict with Building Regulations

The Highways Officer has concerns with the parking layout, which is impeded by the bin stores and would significantly compromise manoeuvrability. Therefore, without any vehicle tracking or swept path analysis, the parking spaces are considered compromised and unviable. Moreover, there is no provision of secure cycle storage contrary to adopted parking standards (SPG4). The conflict with Building Regulations are not material planning considerations and do not form part of the decision-making process.

Overall, the application site is located in a peripheral location to the town centre and off-street parking is required. Although providing four off-street parking spaces, these are not considered viable and are significantly compromised by the proposed bin stores and as such the development fails to comply with Gravesham's adopted parking standards (SPG4). Moreover, the proposal fails to provide any secure cycle storage. Therefore, the proposal is contrary to Policy CS11 (Transport), Gravesham's adopted parking standards (SPG4) and KCC's Guidance Note 3 (2008).

## **Any Other Material Planning Considerations**

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

The plans submitted show a bin store for each property at the rear of the site on the parking area. The scale of the store and quantity of bins provided would be acceptable, however the location of the bin store and collection strategy are unclear. The bins would either have to be dragged up the stairs and a total distance of (approx.) 56.8m onto Barr Road, or along the unmade vehicle track a total distance of (approx.) 70m onto Thong Lane. This strategy is considered to be challenging for future occupiers, however is not considered to be sufficient grounds to refuse the application as planning conditions could be utilised to achieve a better strategy.

*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 £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.

In this instance, the proposed development would result in the creation of an additional residential annexe 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 £314.05 per new annexe.

The applicant has not paid the SAMMS Mitigation Contribution Agreement tariff and therefore fails to comply with the requirements of the Habitat Regulations, as well as Section 15 (specifically paragraphs 180 and 181) of the NPPF (2021) and Policy CS12 (LPCS).

## **Conclusion**

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

The proposed development is similar to the previously refused applications (ref. 20171355 / 20220734) and dismissed appeal. The new dwelling is out of character and out of scale with other properties in the surrounding area, is cramped onto the site and considered overdevelopment, which is both harmful to the amenity of future occupiers and surrounding residents. The cramped nature of the site creates an unviable and compromised parking area contrary to highway policy and no mitigation has been made to the RAMSAR site or biodiversity.

As such, it is recommended that planning permission is refused.

## **Recommendation**

Refusal

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

|                      |                                                                                   |                     |                                                                                     |
|----------------------|-----------------------------------------------------------------------------------|---------------------|-------------------------------------------------------------------------------------|
| <b>Case Officer:</b> | Mr Ethan Bonthron                                                                 | <b>Team Leader:</b> | Miss Faye Hobbs                                                                     |
| <b>Signed:</b>       |  | <b>Signed:</b>      |  |
| <b>Dated:</b>        | 11 <sup>th</sup> May 2023                                                         | <b>Dated:</b>       | 12 May 2023                                                                         |