

Delegated Report

Householder Planning Application

Planning Application No: 20230354

Location: 21A Cobham Street Gravesend Kent DA11 0SB

Description: Erection of two storey rear extension at basement and ground floor levels and alteration of existing maisonette over the basement and ground floor levels into 2no. one bedroom self-contained flats.

Applicant: Mr Grixx

Site Visit Date: 23/06/2023

Submitted Documents/Plans

Application form;
Drawing no. 001 Rev. A – Existing and Proposed Block Plan; Location Plan;
Drawing no. 002 Rev. B – Existing Floor Plans and Elevation;
Drawing no. 003 Rev. A – Proposed Floor Plans and Elevation; and
Heritage Statement.

Relevant Planning History

None.

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS05 – Gravesend Town Centre Opportunity Area
- CS11 – Transport
- CS14 – Housing Type and Size
- CS12 – Green Infrastructure
- CS18 – Climate Change
- CS19 - Development & Design Principles
- CS20 – Heritage and the Historic Environment

Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards
- H5 – Increasing the Housing Stock by the Conversion of Existing Buildings
- TC3 – Development Affecting Conservation Areas
- TC7 – Other Archaeological Sites

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.

Other material considerations

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended, states that with respect to buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

National Planning Policy Framework (2021)

- 2 – Achieving Sustainable Development
- 4 – Decision-making
- 6 – Delivering a sufficient supply of homes
- 8 – Promoting healthy and safe communities
- 9 – Promoting sustainable transport
- 12 – Achieving sustainable development and well-designed places
- 15 – Conserving and enhancing the natural environment
- 16 – Conserving and enhancing the historic environment

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 published 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 Core Strategy Policy CS02 must be regarded to be out of date, as required by the Paragraph 11(d) of the NPPF. 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 6 (rather than those in development plans) relating to any of the following:

- Habitats sites (and those sites listed in NPPF paragraph 176)
- 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 63); 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 123(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.

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);
- Darnley Road Conservation Area Character Appraisal (2009)
- Management Plan Gravesend's 19th Century Suburban Conservation Areas (2009)

Consultations, Publicity and Representations

Consultees

GBC Highway Development Management Officer

This is an edge of centre location, so no car parking is required. Given the existing property is two bedroom and it will be converted to two one bedroom flats, there is no need to provide cycle parking. No objections.

GBC Waste & Recycling Manager

Due to the nature of the street and the building, consideration needs to be given to waste storage between collections which means that wheelie bins are not left on the pavement.

Each of these properties have back gardens, so waste could be stored at the rear between collections and moved by the residents on the relevant collection day.

The street scene in Cobham Street has been massively affected in recent years due to a lack of planned refuse storage.

GBC Environmental Protection

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

Code of Practice on Construction and Demolition: Please apply as appropriate to minimise the impact of noise and dust on neighbouring premises as a result of the construction works.

Smoke Control Informative: The proposed development is situated in a smoke control area. As such, only authorised smokeless fuels as listed in the Smoke Control Areas (Authorised Fuels) Regulations 1991 shall be burnt or fireplaces/appliances exempted by Smoke Control (Exempted Fireplaces) Orders shall be utilised. Exempt appliances are appliances (ovens including pizza and tandoori ovens, wood burners and stoves) which have been exempted by Statutory Instruments (Orders) under the Clean Air Act 1993. These have passed tests to confirm that they are capable of burning an unauthorised or inherently smoky solid fuel without emitting smoke. They must be fitted and used according to manufacturer's instructions and they can only be used for the fuel for which they are designed. When purchasing fuels and fireplaces the applicant should clarify with the vendor their suitability with respect to use in Smoke Control Areas. For further information, including confirmation that an appliance and/or fuel is suitable for use in a smoke control area, the applicant should contact the Council's Regulatory Services air.quality@gravesham.gov.uk

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.

Neighbouring properties

24 surrounding properties were consulted plus site and press notices – overall consultation expiry date was 2 June - 2 responses received (objections) the comments of which can be summarised as follows:

- Impact of additional parking and refuse when there is already no room for more cars to be parked or refuse to be stored;
- Proposal uses the entrance of their home

The following were also consulted but no response received;

- Conservation Officer; and
- Ward Councillors x 3.

Officer's Analysis

Procedural Note

Following the site visit and an observation of the internal layout it became clear that the external stairs which are to be removed under the proposals serve only the upper floor maisonette providing access from the first floor to garden level and that also proposed flat no. 2 at ground floor level would use the front entrance door of the existing upper maisonette (which is main front door of the building) to provide access to a new internal front entrance door that would be installed in order to provide access to flat no. 2. The applicant has signed certificate A to state they own all the land to which the application relates but given these two matters, if the applicant is not the owner of the upper maisonette notice should have been served on the owner. Had planning permission been forthcoming the applicant would have been asked to clarify these matters and if necessary amend the application form to sign certificate B and serve notice on the owner of the upper floor maisonette however, as planning permission is not to be forthcoming, as will be seen below, then this has not been sought. It is also prudent to note that the granting of planning permission and the serving of any notice on other owners etc. does not negate the need for an applicant to gain any other consents that they may need to obtain including concerning any civil matters.

The application site consists of a maisonette at the basement and upper ground floors of a four storey building on the southern side of Cobham Street. The building is divided into two maisonettes with the application site no. 21A at basement and upper ground floor levels and the other maisonette at first and second floor levels.

This proposal seeks permission for the erection of a two storey rear extension at basement and ground floor levels and alteration of the existing maisonette over the basement and ground floor levels into 2no. one bedroom self-contained flats.

Principle

The site is within the urban boundary of Gravesend which is covered by Policy CS02 (LPCS) which supports the principle of residential development within the urban area. The property has already been converted from a single dwelling to self-contained maisonettes at some time in the past so the proposal would not be contrary to Policy CS15 (LPCS) which protects conversion of family sized dwellings. The property is also in an area where there are a number of other properties which have been converted to flats and so the proposal is compliant with part (i) of saved Policy H5 (LPFR) which states the building shall be in an appropriate area for conversion to flats. It will now need to be seen if the proposal would be acceptable in respect of design, character and appearance including heritage, future occupier amenity, neighbouring amenity, parking and highway safety and protect the SAMMS/SPA.

Design, Character and Appearance including Heritage

The proposed two storey rear extension at basement and ground floor levels would be 3m in depth, 4.94m in height and extend the full width of the dwelling. It would have a flat roof design and be faced with rendered walls to match the existing.

Ordinarily a two storey flat roofed rear extension would not be acceptable in design terms but given that the proposed extension would be at basement and ground floor levels the actual part of the extension that would extend above garden level would be 3m in height which would be akin to a single storey rear extension. A flat roofed single storey rear extension is generally considered acceptable due to its low level and visibility. As such in this case the proposed two storey rear extension is considered acceptable in design terms given that due to its positioning at basement and ground floor levels the actual main part that would be visible above garden level would be no greater in height than a standard flat roofed single storey rear extension and due to its low level and prominence the flat roof is considered acceptable. The extension would be of modest depth at 3m and would be faced with matching render. Overall therefore the extension is considered to be in keeping with the scale and character of the dwelling. Due to its location at the rear the proposal would have no impact on the streetscene or the Darnley Road Conservation Area, the character and appearance of which would be preserved.

In respect of design, character and appearance including Heritage the proposal is considered compliant with Policies CS19 and CS20 (LPCS) and saved Policy TC3 (LPFR).

Amenity of Future Occupiers

The proposal includes converting the existing lower maisonette at basement and ground floor levels to two one bedroom flats, one at basement level and one at ground floor level.

Flat sizes and bedroom sizes

Flat no.	Internal Floorspace (sq. m)	Technical Housing Standards (THS) (2015) minimum standard for the type of accommodation (sq.m)	Does it meet the THS minimum standard?
1 (Basement level - 1 bedroom, 2 persons, 1 storey dwelling)	54	50	Yes
2 (Ground floor level – 1 bedroom, 1 person, 1 storey dwelling)	47.7	39	Yes

The double bedroom in Flat 1 would be 12.2 sq. m and the single bedroom in Flat 2 would be 11.7 sq. m. This would exceed the minimum size for double and single bedrooms as set out in the THS which is 11.5 sq. m for a double and 7.5 sq. m for a single.

Both flats therefore exceed the minimum standards as set out in the THS for the overall internal floor space and bedroom sizes.

Amenity Space

SPG2 states that flats should provide a minimum of 10 sq. m private amenity space per flat. The site as a whole has a rear garden. It is not stated in the application specifically which flat(s) would have use of the garden but the two proposed flats would have a door in the rear of the proposed extension leading out to the garden (although it should be noted that access from the basement rear door would not be possible due to the garden retaining wall being directly in front of it – see below section). In any case given the site's location at the edge of the town centre where there are public parks for future occupants to enjoy it is considered that on this occasion the lack of private amenity space would on balance be acceptable.

Layout/Light/Outlook

The proposal would result in altering an existing unit of accommodation (a maisonette which is spread across the basement and ground floor levels of the building) into two self-contained flats one of which (flat no. 1 at basement level) would be wholly below ground level. SPG2 (2020) states that no unit of accommodation should be wholly below ground level.

Furthermore, from the submitted plans it appears that the proposed basement flat would have very poor levels of amenity in terms of sunlight/daylight and outlook. This is particularly in respect of the living/kitchen/dining room at the rear of the flat. It is shown that it would be served by one window and a door in the rear elevation however, from the proposed plans the garden level retaining wall would be directly in front of the window and door (there would be a minute gap of 90mm). There would only be a 300mm section of the window that would be above the garden level retaining wall and no part of the door would be above it. There are no other windows to serve that room. As such the living/kitchen/dining room would experience virtually no natural sunlight/daylight or outlook.

Future occupiers of the basement flat would therefore experience extremely poor living conditions which would be harmful to their amenity.

The living/kitchen/dining room of the ground floor flat would not have the same issue as the basement flat as the window and door would be above the garden level retaining wall.

In respect of the proposal creating a unit of accommodation (proposed flat no. 1 at basement level) that would be wholly below ground level and by virtue of the living/kitchen/dining room in the proposed basement flat receiving virtually no natural sunlight/daylight or outlook, the proposal would provide an extremely poor level of amenity and living conditions for future occupiers of the flats and in this regard the proposal is therefore contrary to Policy CS19 (LPCS) and paragraph 130 (f) of the NPPF (2021).

Neighbouring Amenity

The neighbouring property to the east no. 20 Cobham Street which is divided into flats. This property is set back some 1.3m from the rear elevation of no. 21 Cobham Street. The proposed two storey rear extension at basement and ground floor level which would be 2.98m in depth and 4.94m in height but the part which would extend above garden level would be 3m in depth, would mean that the proposed extension would not cause any overshadowing or loss of outlook to the occupiers of any of the flats of no. 20. There are no windows proposed in the east flank elevation of the extension therefore no impact regarding overlooking.

The neighbouring property to the west no. 22 Cobham Street which is divided into flats has a part two storey, part single storey extension on its rear elevation. The proposed extension would seemingly not extend any taller or deeper than this extension and so there would be no impact on any of the flats at no. 22 with regards overshadowing or loss of outlook. There are no windows proposed in the west flank elevation of the extension therefore no impact regarding overlooking.

The proposed extension by virtue of its scale and positioning would not cause any impact on the upper maisonette at first and second floor levels with regards overshadowing, loss of outlook or overlooking. The matter of the staircase and access has been discussed in the procedural note above.

In summary, it is considered there would be no impact on the amenity of neighbouring properties and in this respect the proposal is compliant with Policy CS19 (LPCS).

Parking and Highways

The neighbour comments made regarding parking are noted. The proposal provides no off-street parking and it is not possible to provide any given the site constraints. However, as the Highways Development Management Officer advises, given that this is an edge of town centre location no car parking is required. Furthermore, it is also the case that the existing flat at basement and ground floor levels has two bedrooms

and the proposed two flats would have one bedroom each therefore, there is no actual increase in bedrooms therefore equal demand.

It is therefore considered the proposal would have no impact with regards parking and highway safety. In respect of these matters the proposal is therefore considered compliant with saved Policy P3 (LPFR).

Ecology/Biodiversity

The application site falls within 6km of the Thames Estuary and Marshes Special Protection Area (SPA) classified in accordance with the European Birds Directive which requires Member States to classify sites that are important for bird species listed on Annex 1 of the European Directive, which are rare and/or vulnerable in a European context, and also sites that form a critically important network for birds on migration. It is also listed as a Wetland of International Importance under the Ramsar Convention (Ramsar Site). Studies have shown marked declines in key bird species, particularly in areas that are busiest with recreational activity. Research conducted in 2011 found that additional dwellings were likely to result in additional recreational activity, causing disturbance to protected bird species that over-winter or breed on the SPA and Ramsar Site. The studies found that 75% of recreational visitors to the North Kent coast originate from within 6 km of the SPA boundary and Ramsar Site. The impacts of recreational disturbance can be such that they affect the status and distribution of key bird species and therefore act against the stated conservation objectives of the European Sites.

The Borough Council has mitigated out the impacts of this on each and every planning application for a new residential development of one or more units within the 6km zone since September 2015 by accepting a Strategic Access Mitigation and Monitoring Strategy (SAMMS) (tariff) payment (currently £314.05 per dwelling). This approach is approved by Natural England for all new residential developments.

For every planning application for a new dwelling (including new flats) which does not require any other contributions to be secured through a s106 legal agreement or unilateral undertaking the tariff has been secured through a contribution agreement.

The tariff has been accepted effectively in lieu of an Appropriate Assessment (AA) under the Habitat Regulations and thus avoiding the need to progress into a full AA.

However, a more recent Court of Justice European Union (CJEU) ruling means that this approach is now no longer valid and although the mitigation measures (in the form of a tariff payment) will still need to be made the first stage will be a screening assessment as to whether the development either alone or in combination, is likely to have significant effects on a designated site without mitigation. The CJEU sees a distinction between “the plan or project” itself and “measures intended to avoid or reduce the harmful effects of a plan or project on a European site”. This means that mitigation measures, which are intended to avoid or reduce effects, should be assessed within the framework of an AA and cannot be taken into account at the screening stage.

This proposal would result in the net addition of 1 unit and the applicant has not paid the required tariff (£314.05). The Local Planning Authority cannot therefore be satisfied that the proposal has put in place adequate measures to mitigate potential significant adverse effects on the Thames Estuary and Marshes SPA/Ramsar site. Therefore, the proposal in respect of ecology and biodiversity is contrary to Policy CS12 (LPCS) and Paragraphs 180 and 181 of the NPPF (2021).

Refuse

At the site visit it could be seen that currently refuse bins for the existing maisonette at basement and ground floor levels are located at basement level in front of the bay window. The comments of the GBC Waste & Recycling Manager are noted. It is considered the refuse bins for the proposed two flats at basement and ground floor level could also be stored where they are now for the existing maisonette and there would therefore be no issues concerning refuse bins being stored on the pavement. As such it is considered that the two proposed flats would have sufficient refuse storage in between collections and

should permission be forthcoming further information could be conditioned on this. In respect of this matter the proposal is therefore considered compliant with Policy CS19 (LPCS).

Archaeology

The site is located in an Area of Archaeological Potential. Should permission be forthcoming it is considered that a condition could be added to request an Archaeological Watching Brief to ensure there would be no impact on any potential archaeology. In respect of archaeology it is considered that subject to condition the proposal would be compliant with saved Policy TC7 (LPFR).

Any Other Material Planning Considerations

None.

Balancing Exercise/Conclusion and Recommendation

The proposal is considered acceptable in respect of design, character and appearance including heritage, neighbouring amenity, parking and highway, refuse and archaeology (subject to conditions in some cases) and would result in the net gain of one additional unit of accommodation which would offer a very small contribution to the Borough's housing supply. However, it has been found that the proposal would be unacceptable in respect of future occupier amenity and ecology and biodiversity.

The proposal would provide extremely poor living conditions for future occupiers due to creating a unit of accommodation (flat 1 at basement level) that would be wholly below ground level and the living/kitchen/dining room in the proposed basement flat would receive virtually no natural sunlight/daylight or outlook. The proposal does also not put in place adequate measures to mitigate potential significant effects on the Thames Estuary and Marshes SPA/Ramsar site.

Paragraph 130 (f) of the NPPF (2021) states that development should create a high standard of amenity for existing and future users. Paragraph 180 (a) states that if significant harm to biodiversity resulting from a development cannot be avoided, including being adequately mitigated, then planning permission should be refused. As stated in paragraph 181 of the NPPF (2021), SPA's and Ramsar sites should be given the same protection of habitats sites.

As set out above the weight of all the other considerations does not outweigh the harm identified and provides a clear reason for refusing permission. The proposed development is therefore contrary to Policies CS12 and CS19 (LPCS) and paragraphs 130(f), 180 & 181 of the NPPF (2021).

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

Case Officer:	Ms Rebecca Harrison	Team Leader:	Miss Faye Hobbs
Signed:	<i>Rebecca Harrison</i>	Signed:	
Dated:	26th June 2023	Dated:	27 June 2023