



Delegated Report

Full Planning Application

Application No:	20230317
Location:	Land Adjacent To 33 Ivy Close, Gravesend, Kent, DA12 5NP
Description:	Erection of a new dwelling.
Applicant:	Mr Martyn Smith
Site Visit:	23 rd November 2022

Submitted Documents/Plans

- Application Form - dated 31/03/2023;
- Certificate B Notice on Kent County Council Highways - dated 25/05/2023;
- Supplementary Information - Planning Statement;
- Drawing no. 1532-P1001B - Ordnance Survey Site Location Plans;
- Drawing no. 1532-P1002B - Proposed Plans and Elevations.
- ~~Drawing no. 1532-P1001A - Ordnance Survey Site Location Plans - SUPERSEDED;~~
- ~~Drawing no. 1532-P1002A - Proposed Plans and Elevations - SUPERSEDED.~~

Relevant Planning History

Reference	Description	Decision	Decision Date
20220944	Erection of a new dwelling.	REFUSED	30.11.2022
20180641	Erection of a detached one bedroom bungalow in the side garden with associated parking space.	PERMITTED	08.04.2019
20120452	Erection of a detached one bedroom bungalow in the side garden with associated parking space.	PERMITTED	07.09.2012
20100491	Erection of a detached two storey, two bedroom dwelling in the side garden with detached double garage at the side.	REFUSED	08.07.2010
AP 2010/00016/ REF		APPEAL DISMISSED	18.11.2010
20090404	Erection of an attached two storey, two bedroom dwelling with a detached double garage to serve both existing and proposed dwellings.	REFUSED	10.07.2009
AP		APPEAL	27.01.2010

09/00039/REF		DISMISSED	
20080510	Erection of two storey side extension to form lounge, garage and hall at ground floor level with two bedrooms, study and bathroom/wc at first floor level.	PERMITTED	28.07.2008

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 - Sustainable Development
- CS02 - Scale and Distribution of Development
- CS05 - Gravesend Town Centre Opportunity Area
- CS10 - Physical and Social Infrastructure
- CS11 - Transport
- CS12 - Green Infrastructure
- CS14 - Housing Type and Size
- CS15 - Housing Density
- CS18 - Climate Change
- CS19 - Development and Design Principles

Gravesham Local Plan: First Review (1994)

- P3 - Vehicle Parking Standards
- T1 - Impact of Development on the Highway Network
- 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 4 - Decision-making
- Section 5 - Delivering a sufficient supply of homes
- Section 8 - Promoting healthy and safe communities
- Section 11 - Making effective use of land
- Section 12 - Achieving well-designed places
- Section 15 - Conserving and enhancing the natural environment

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 - Environmental Protection (Regulatory Services) - After reviewing this application we have the following comments:

- *Code of Practice on Construction and Demolitions* - Please apply
- *Drainage* - 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.
- *Smoke Control* - The property is located within the smoke control area and we would therefore ask for the following Informative to be included:

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 by emailing: air.quality@gravesham.gov.uk.

GBC - Highways Officer - This is a complex application and requires very careful consideration.

First there appears to be a conflict within the application itself.

The block plan, showing the existing car parking within the application site



The site plan, showing the existing car parking outside the application site



Whilst the planning statement supporting the block plan states

Access

It is proposed to use the existing access from the highway to serve the proposed dwelling.

Turning to the previous application 20180641, the drawings submitted showed the parking bays as 5 metres deep and neither were in front of a door to the properties. With this application the driveway for the existing property would be immediately in front of the front door restricting pedestrian access so would need relocating. Until that is provided the loss of the existing space to serve the new dwelling would be unacceptable.

To be acceptable the existing property would need to be served by a driveway on the existing lawned front garden and so not obstructing the front door. This would require a new carriage crossover where there are two utility covers located which will add to the expense of providing the crossover. It would be in my opinion be essential to secure the new drive and crossover before the construction of the new dwelling to maintain the existing level of car parking. The new drive should be constructed from a bound permeable material installed as specified by the manufacturer. It is noted the previous application retained the existing parking space for the existing dwelling.

Therefore considering what has been approved before I have no objections, but car parking for the existing dwelling should be provided and operational before work commences on the new dwelling in the interests of nil detriment.

Local Ward Councillors - No comment received.

Neighbouring properties

Eight surrounding properties were consulted and no representations were received. The consultation period expired 3rd May 2023.

Previous Application

The site has been subject to numerous planning application for the construction of a new dwellinghouse, most of which have been refused and dismissed at appeal with the exception of a one bedroom bungalow. The recent application proposed the "erection of a new dwelling" (2 bedroom) (ref. 20220944) and was refused by the Local Planning Authority on the following grounds:

- 1. The proposed dwelling is contrived, out of character, cramped onto the site and has an incongruous appearance, all of which have a harmful impact on the street scene and the scale of the development compromises the planned area of open space which is characteristics of the estate and serve to further harm the character and appearance of the street scene. As such, the proposed dwelling is poor design and fails to make a positive contribution to the character of the area, instead causing harm to it, contrary to Policy CS19 of the Gravesham Local Plan Core Strategy (2014) and Section 12 of the National Planning Policy Framework (2021).*
- 2. The proposed dwelling will occupy the side garden of no.33 and significantly reduce the private amenity space, below the minimum requirement set out in Gravesham's RLG. As such, the development fails to safeguard amenity contrary to Policy CS19 of the Gravesham Local Plan Core Strategy (2014) and Section 12 of the National Planning Policy Framework (2021).*
- 3. 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 (2021) and Policy CS12 of Gravesham's Local Plan Core Strategy (2014).*

In order to receive a favourable decision, the proposed development must be considered to have overcome the previous grounds of refusal.

Preliminary Matters

The proposal seeks to create a new crossover for the driveway of the new dwelling, however the site location plan was originally submitted with the area required for the crossover outside of the redline. There was also no notice served on Kent County Council Highways as the land owner.

The agent was contacted regarding this, and a revised site location plan was submitted and notice served on Kent County Council (25/05/2023).

Officer's Analysis

Site Description

The application site lies on the western side of Ivy Close to the south of the turning head, just before the road bends to the east. Ivy Close is a planned estate built in the 1970's located within the urban area and comprises mainly pairs of semi-detached two storey dwellings and short terraces. The exception is at the entrance to the Close where there is a bungalow either side of the road.

The site is a triangular corner plot which slopes down from west to east. The site was originally the side garden to no 33 Ivy Close, the host dwelling, and occupied with a single garage and driveway serving the host dwelling and was enclosed with planting. The garage, driveway and garden have been removed.



Google Street View (May 2018)

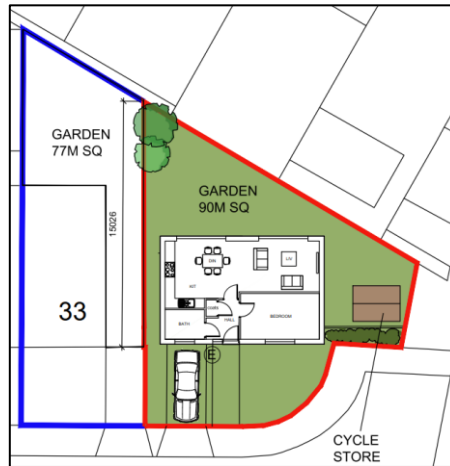
Following planning permission ref. 20180641 the area has been enclosed by high-level boarding. The Local Planning Authority granted permission (08/04/2019) for a one bedroom bungalow on the site, with associated parking.



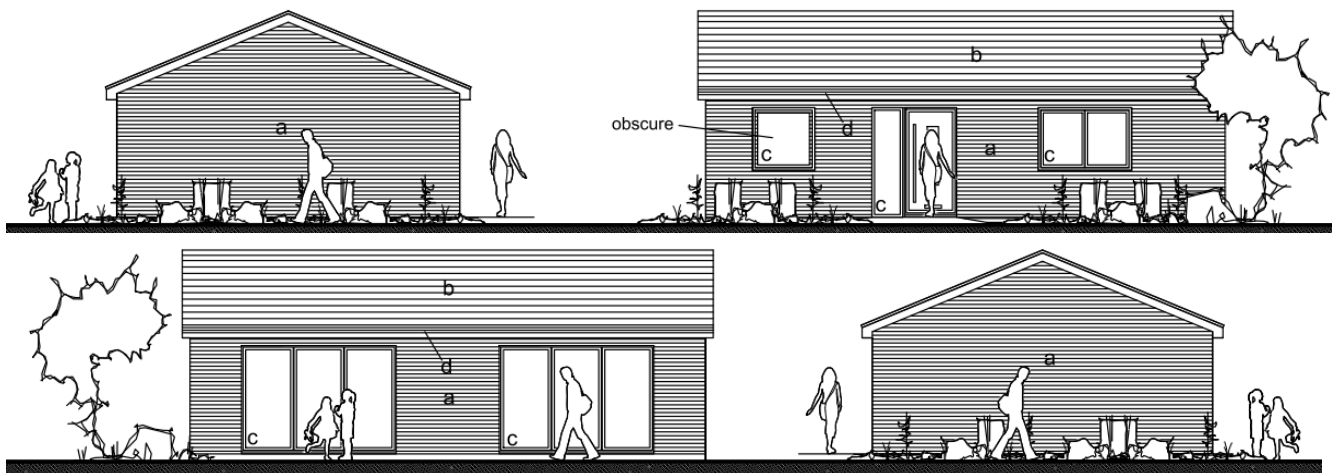
Google Street View (November 2022)

Proposed Development

This application proposes the erection of a detached one bedroom bungalow in the side garden of no.33 Ivy Close. The proposed dwelling would be constructed in line with the existing building line of no. 33 Ivy Close.



As demonstrated by the proposed block plan above, due to the constraints of the site, the proposed dwelling will be significantly shallower and wider than the surrounding properties on the Close. Moreover, the height of the proposed dwelling is considerably lower than the other properties on the Close, as highlighted in the screenshots below:



The new dwelling would have two windows and a door on the front elevation, with two bifold doors at the rear onto the garden. There are no flank windows proposed. The property will have the following dimensions:

- Depth - 6.6m
- Width - 10m
- Height (max) - 4.05m
- Height (eave) - 2.7m

The proposed dwelling will contain an open plan kitchen/living/diner, double bedroom and bathroom. It will have one off-street parking space located to the front.

Principle of the Development

The site is defined on the Policies Map of the Gravesend Local Plan Core Strategy (the Core Strategy) as lying within the urban boundary of Gravesend, Northfleet and Ebbsfleet. Therefore, the site is within the urban area of Gravesend and Policy CS02 (LPCS) 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, which will be assessed in later sections of this report.

The principle considerations in the assessment of this application are:

- Housing Need
- Density of 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 but important 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 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.

Ivy Close has a spacious character, which is derived from the open plan nature of the estate and the generous front gardens serving many of the dwellings. There are also several properties scattered around the estate, including the application property, which have large side gardens. It is noted that some of these have been extended to the side, but nevertheless these areas are considered a planned part of the original estate design and are important contributors to its open character.

The erection of a single storey dwelling is not entirely in keeping with the scale of development found in the immediate adjoin the application site, however there are two bungalows located at the entrance to Ivy Close and the proposed scale of the new dwelling would not be dissimilar to these bungalows or the erection of a triple garage. As such the scale is not considered to be inappropriate in this location abutting the turning head. In fact there is an attached single storey dwelling located on the opposite side of the turning area.

The proposed dwelling is located in a similar location to the dwelling approved (20180641) and has a similar footprint to the dwelling previously approved. The dwelling aligns with the front elevation of the host property and will maintain an open front garden which is in keeping with the rest of the development within the Close. While a single parking space is proposed within this frontage area, this is not an uncommon feature and will not detract from the open setting created by the front garden areas.

The proposed materials are in keeping with those used on the host dwelling, and a condition will be imposed to ensure that they match.

Overall, it is considered that the proposed dwelling will conserve the character and appearance of Ivy Close and will integrate well into the surrounding area in accordance with Policy CS19 (LPCS) and Section 12 of the NPPF (2021).

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.

Proposed Dwelling

The proposed dwelling has a gross internal floor area of 57.3m². The Nationally Described Space Standards (2015) states that a one bedroom single storey dwelling, should have a minimum floor area of 50m², with built-in storage space of 1.5m². Therefore, the proposed dwelling is in accordance with the NDSS. However, Gravesham's RLG breaks down the Council's individual requirements for certain rooms, these have been formulated into a table to compare with the floor area of rooms within the proposed dwelling.

	RLG (minimum floor area)	Proposed Room Size
Kitchen/Living/Diner	25.2m ²	32.4m ²
Double Bedroom	11.2m ²	13.4m ²
Bathroom	3.6m ²	4.3m ²

Table 2 has been colour coded to show which rooms within the dwelling meet the guidance within the RLG. The table demonstrates that all rooms are in accordance with the recommendations and will provide acceptable living conditions for future occupiers. The bedrooms are single aspect, with north facing windows, which could be considered to provide a gloomy living environment for future occupiers, however it is not sufficient grounds to refuse the application.

The garden area for the proposed dwelling wraps around the property and will have an overall area of approx. 90m², which includes the narrow space at the side of the building. It will have a maximum depth of 7.8m. The RLG states that the garden area for a one bedroom dwelling should have a minimum area of 37.2m² and a minimum depth of 7.6m. Therefore, the amenity space provided is in accordance with the RLG.

Existing Dwelling (no. 33 Ivy Close)

The application property is a three bedroom semi-detached dwelling. The proposed development will significantly reduce the original garden area of the dwelling, which will retain a maximum depth of 15m (incl. the side garden) and an area of 76m². Gravesham's RLG states that the minimum garden area for a three bedroom property should be 60m² and a minimum depth of 10m. Therefore, the proposed development would safeguard the amenity of existing and future occupiers of no.33 Ivy Close.

Conclusion on Future Occupier Amenity

The proposed development is considered to provide acceptable levels of amenity for future occupiers of both the host dwelling and the new bungalow. Therefore the development safeguards future occupier amenity in accordance with Policy CS19 (LPCS) and Section 12 of the NPPF (2021).

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).

Due to the modest scale and height of the proposed dwelling, there will be no material impact on neighbouring properties in terms of loss of outlook, sunlight, daylight or privacy. Given the low pitch of the roof, the roof space could not be converted to additional useable space without increasing the height and pitch of the roof. As such it is not considered necessary to remove permitted development rights to prevent alterations of the roof.

While the proposal dwelling is located close to the boundary with the rear gardens of nos. 21, 23 and 25 Princes Road, these properties have long gardens (28m in depth) and as such there will be no adverse impact on the amenity of these residents.

Overall, the proposal is considered to safeguard the amenity of surrounding residents in accordance with Policy CS19 (LPCS) and Section 12 of the NPPF (2021).

Parking and Highways

The proposal involves the creation of a new dwelling on the site of the existing parking associated with the

host dwelling. While the submitted plans make sufficient parking provision for the proposed dwelling, it fails to compensate for the loss of parking for the host dwelling

As the host dwelling contains three bedrooms, Gravesham's adopted parking standards (SPG4) requires a minimum of two spaces to be provided and the provision of a single space is therefore insufficient. However, there is sufficient space available to overcome this by providing an additional parking space within the site frontage. It is therefore proposed to impose a condition which secures this additional space and maintains a soft landscaped frontage.

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 do not demarcate the proposed refuse area or store for the property. However, there is adequate space on the frontage to store bins required for a two bedroom dwelling. The bins would be moved out onto the edge of the curtilage on collection days, which is the same strategy used by other properties within the close. If permission were forthcoming a condition would be attached to the decision notice to ensure that details of the bin store and collection strategy are submitted to, and approved in writing by the Local Planning Authority.

Contaminated Land - Policy CS19 (LPCS) and Paragraph 174 of the NPPF (2021) require new development to avoid adverse environmental impacts of land contamination and remediating contaminated land. As the site has historic commercial uses and near historic landfill sites if the application were to be supported a condition would be attached to ensure that a contaminated land study is undertaken prior to any development commencing.

Subject to the recommended condition, no conflict with Policy CS19 (LPCS) or Paragraph 174 of the NPPF (2021) is considered to occur in terms of land contamination issues.

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 property 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 dwelling unit.

The applicant has paid the SAMMS Mitigation Contribution Agreement tariff and therefore complies 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 in accordance with local and national planning policy.

The principle of developing this site has been established by the grant of earlier permissions to extend the host dwelling and erect a bungalow on the site. The proposed bungalow will conserve the character and appearance of the Close and will integrate into the surrounding area subject to the imposition of conditions to secure appropriate hard and soft landscaping treatment to the frontages of the proposed dwelling and host dwelling. It provides acceptable living conditions for future occupiers, safeguards the amenity of surrounding residents, is acceptable in highway terms and will mitigate against the impact on the RAMSAR site.

Therefore, it is recommended that planning 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:		Signed:	<i>R Hart</i>
Dated:	16 th June 2023	Dated:	16 th June 2023