



Delegated Report

Householder Planning Application

Planning Application No: 20221027

Location: Upper Floors 151 Milton Road Gravesend Kent

Description: Erection of part two storey rear extension at first and second floor level to form 2no. one-bedroom self-contained flats.

Applicant: Mr Avtar Singh

Site Visit Date: Desktop

Submitted Documents/Plans

- Application form;
- Drawing no. 01 – Existing Floor Plans;
- Drawing no. 02 – Existing Floor Plans;
- Drawing no. 03 Rev. B – Existing Elevations;
- Drawing no. 04 – Existing Elevations;
- Drawing no. 05 – Proposed Floor Plans;
- Drawing no. 06 Rev. A – Proposed Floor Plans;
- Drawing no. 07- Proposed Elevations;
- Drawing no. 08 – Proposed Elevations;
- Heritage Impact Statement; and
- Design & Access Statement.

Relevant Planning History

Reference	Description	Decision	Decision Date
20170199	Continued use of ground floor as A3 restaurant with ancillary A1 retail use.	Permitted	29.06.2017
20141171	Application for a Lawful Development Certificate for the proposed change of use from retail to mixed use retail with a self-contained studio flat and a one bedroom self-contained flat above.	Certificate Granted	18.02.2015
20141151	Application for the approval of condition 4 attached to planning permission reference number 20140920 relating to ventilation extraction system and external ducting.	Approval of details	27.01.2015
20140920	Change of use of ground floor from A1 retail to A1 retail with an ancillary A3 use.	Permitted	21.11.2014

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
- CS12 – Green Infrastructure
- CS14 – Housing Type and Size
- CS15 – Housing Density
- CS18 – Climate Change
- CS19 - Development & Design Principles
- CS20 – Heritage and the Historic Environment

Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards
- TC3 – Development Affecting Conservation Areas

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 5 – Delivering a sufficient supply of homes
- Section 9 – Promoting Sustainable Transport
- Section 11 – Making effective use of land
- Section 12 – Achieving well designed places
- Section 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 statement published [here](#)), 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:

- “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
- 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);
- King Street Conservation Area Character Appraisal
- Management Plan – Gravesend's Town Centre Conservation Areas

Consultations, Publicity and Representations

Consultees

GBC Highways Officer

This is a town centre location, so no car parking is required, however to conform to the requirements of SPG4, there should be a cycle parking provision of one cycle space per flat. However, given the location, I very much doubt the lack of cycle parking would be considered a reason to refuse the application by a Planning Inspector. I have no objections.

Neighbouring properties

11 surrounding properties were consulted plus site notice – the overall consultation expiry date was 18 November – no responses received.

Officer's Analysis

The application site consists of a three storey building situated in the King Street Conservation Area, the Gravesend A226 Air Quality Management Area, Thames Estuary And Marshes Ramsar Buffer Zone, Area of Archaeological Potential and in Gravesend Town Centre Opportunity Area.

The principal issues for consideration are:

- Housing Need
- Principle of Development
- Design, Character and Appearance and Heritage
- Amenity of Occupiers
- Neighbouring amenity
- Parking/Highways
- Ecology and biodiversity

Housing Need

The proposed development for a net increase of '2' residential units would offer a minimal contribution towards meeting this local need and, accordingly, officers considers that this should be according 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.

Principle of Development

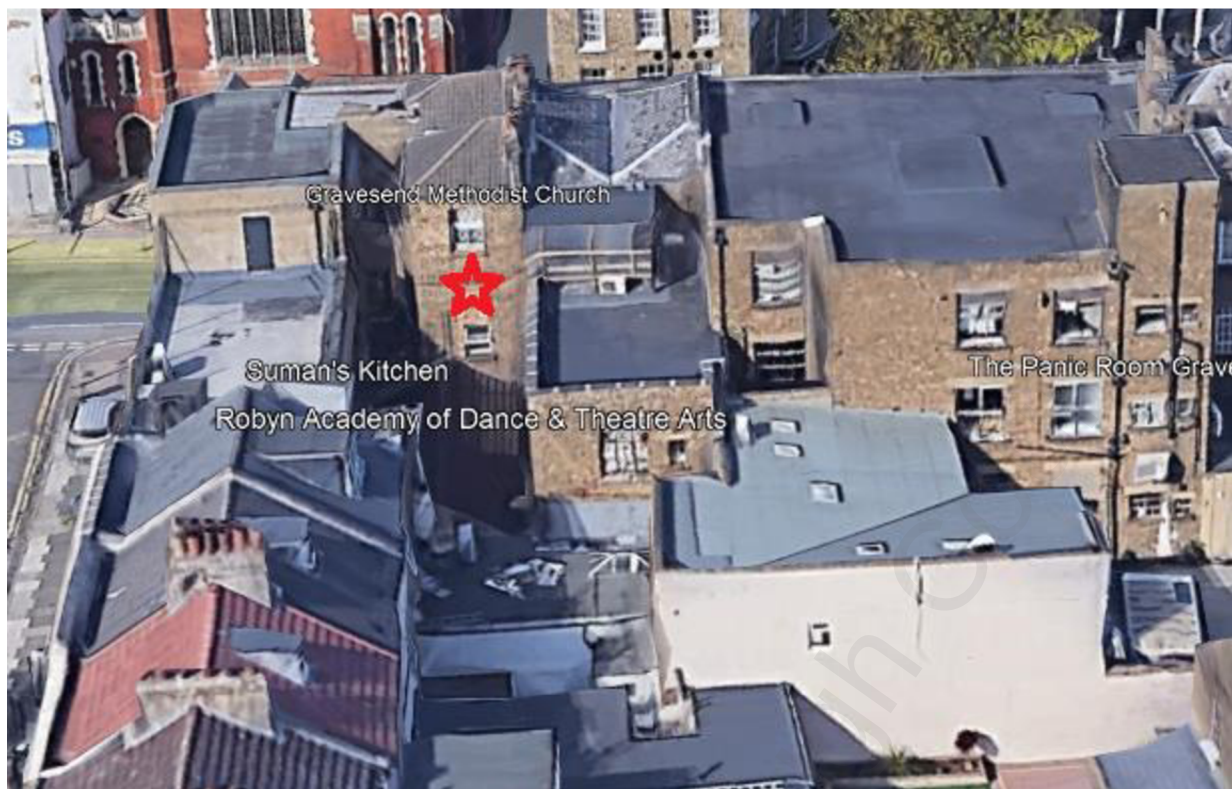
The application site falls within the urban area of Gravesend in the Town Centre Opportunity Area and the proposal relates to extension of the existing building to form two flats. Policy CS02 (LPCS) prioritises development in the urban area as a sustainable location for development. As such the proposal is considered acceptable in principle subject to the proposal being acceptable in regard to all other matters as set out below.

Design, Character, Appearance and Heritage

The application site consists of a three storey building situated on the southern side of Milton Road just to the west of the junction with Edwin Street. It is a two bay building with yellow brick upper floor levels with sliding sash windows and a circa. 1920s shopfront at ground floor level. The building has a parapet at the front concealing the roof behind. The first main element of the building is three storeys which has a part pitched roof and part flat roof, there is then a further part three storey element behind this which also has a part pitched, part flat roof. Beyond this is a single storey rear extension which has a pitched roof and on the back of that is a single storey flat roofed extension with sky lantern. The whole of the site is covered with the building and its extensions.

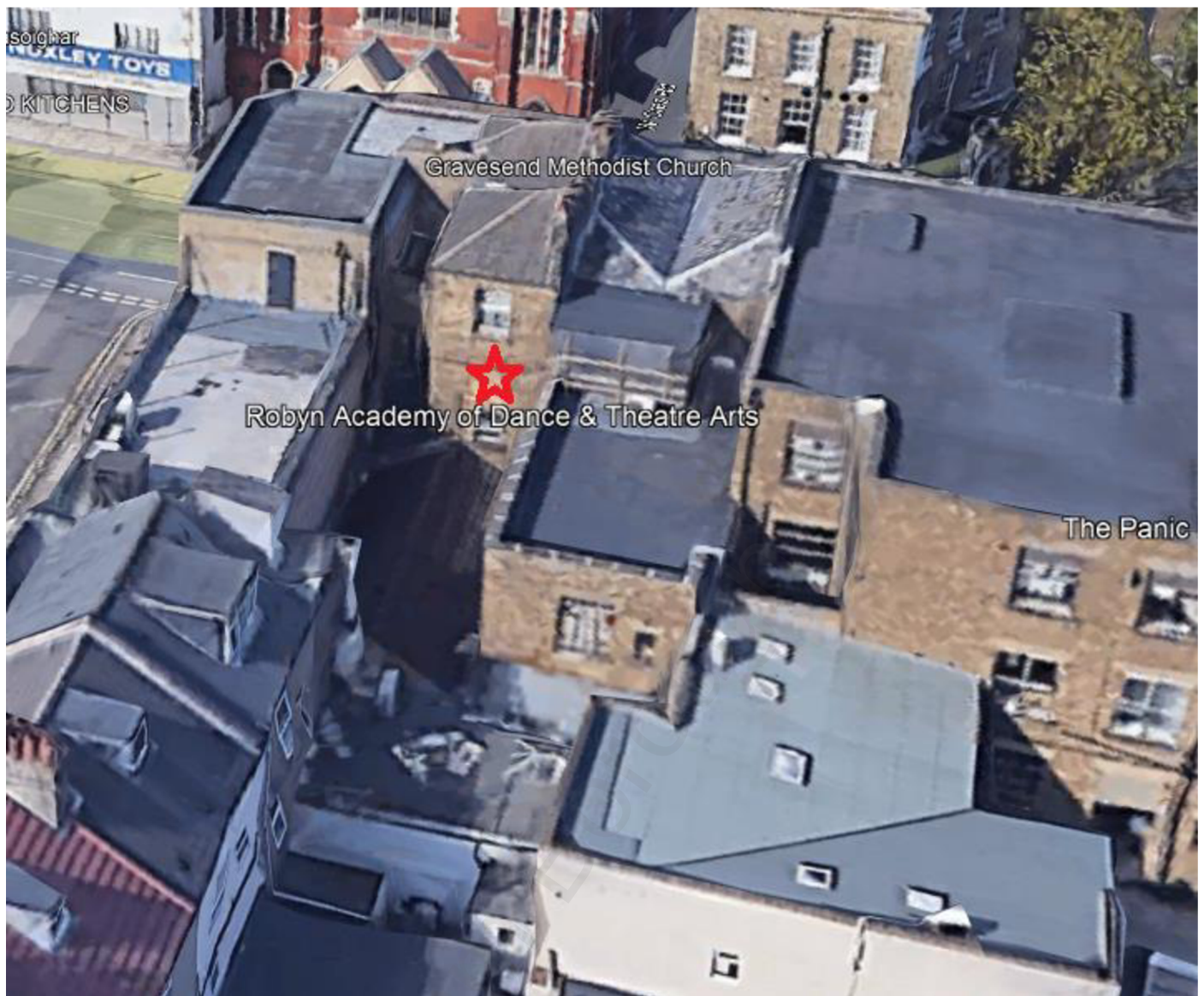
The proposal is for an extension at both first and second floor levels above the existing single storey rear pitched roof extension which would make it a three storey element; this is to create a flat at first floor level and a flat at second floor level along with alterations to the existing first and second floor level flats. The extension would have a flat roof with parapets either side which would be built up to the eaves level of the existing rearmost three storey section.

The existing three storey elements of the building have a part pitched roof and part flat roof although the main parts of the roof of the building are pitched. The neighbouring building to the west no.152 Milton Road on the corner with Edwin Street is a three storey flat roofed building with the main front section three storeys which drops down to two storeys fronting Edwin Street. The other neighbouring building to the east no. 150 Milton Road has a pitched roof but with a two storey flat roof addition behind which can be seen in the below image (application building no. 151 Milton Road is marked by the red star):



Given the application building has flat roof elements to its roof, which includes at three storey level and the neighbouring buildings have flat roofs either as their main roof or on the additions, it is considered that a flat roof design for a rear addition to the application building would not be completely out of keeping with its character. It is considered however, at the height proposed (which would be three storey as this is a proposed first and second floor level extension which would be built on top of an existing single storey rear extension) and its depth (some 10.6m) that the proposed flat roof extension would be an unsympathetic and overly dominant addition which would be harmful to the character of the building. The

The below image shows a closer view of the rear of the application building and the other neighbouring buildings at nos. 150 and 152:



As can be seen the proposed extension at first and second floor levels would be much taller and therefore larger than the elements at the rear of both neighbouring buildings and due to the height of the flat roof extension it would be visible above the two storey flat roof element of no. 152 in longer distance views from the west in Milton Road:



As such it is considered the proposed extension would also be harmful to the character of the surrounding area and would therefore not preserve the character or appearance of the King Street Conservation Area in which the site is located.

In respect of design, character and appearance and heritage the proposal is therefore considered contrary to Policies CS19 and CS20 (LPCS) and saved Policy TC3 (LPFR).

Amenity of Occupiers

Unit & Amenity Space

Both proposed flats would be 1 bedroom flats. The Technical Housing Standard states that for a one bedroom, two person one storey dwelling (as is proposed for both flats) the minimum gross internal area is 50 sq. m. Both flats would be 53.6 sq. m; as such both flats would exceed the minimum standard.

The bedrooms for each flat would be 12 sq. m which would exceed the minimum standard for double bedrooms as stated in the Technical Housing Standards which is 11.5 sq. m.

There is an existing studio flat at first floor level of the building which is 37.2 sq. m and a one bedroom flat at second floor level which is 45.8 sq. m. The proposed internal alterations would alter these existing flats. The first floor studio would become a one bedroom flat which would be 48 sq. m and would therefore not meet the minimum standard for a one bedroom, two person one storey dwelling. The second floor flat would remain a one bedroom flat but would be 41.3 sq. m and therefore even more under the minimum standard than is already the case.

There is no amenity space proposed but as this is a town centre site it is considered this is not required.

Sunlight/Daylight, Outlook and Privacy

Occupiers of all of the flats (both the two proposed and the two existing flats which are to be altered under the proposals) would experience very poor living conditions harmful to their amenity as follows:

- Overlooking between the bathroom window of the front flat and the kitchen/living room window of

- the rear flat at first floor level (distance of only 2.3m when should be minimum of 11m);
- The living area of the living/kitchen/dining to the front flat at first floor level would have very poor light levels and outlook as it would have no window serving it;
- The kitchen/living room of the rear flat at first floor level would have extremely poor light levels and outlook due to it being served by windows looking out onto a void area which would be completely enclosed on all sides and surrounded by high walls of the building itself and the neighbouring building at no. 150. There would be very poor outlook from the bedroom window in the rear of the bedroom of the first floor flat at the rear as it would look out onto the void;
- The living room of the front flat at second floor level would have no window and therefore no natural light or any outlook; and
- The kitchen/living room of the rear flat at second floor level would have poor light levels and outlook due to it being served by windows looking out onto the void area which would be enclosed by the walls of the building itself. There would be very poor outlook from the bedroom window in the rear of the bedroom of the second floor flat at the rear as it too would look out onto the void.

Noise & Odour

Due to the location of the site in an Air Quality Management Area it is considered that an Air Quality Mitigation Scheme needs to be submitted prior to determination of the application to ensure that the amenity of future occupiers of the two proposed flats would be protected. None has been submitted and as such it cannot be confirmed that future occupiers would not be harmed by poor air quality.

The site is situated on a busy main road into/out of town. There are also a number of commercial premises in the vicinity including a restaurant at ground floor and other late night takeaways and establishments in the vicinity including ventilation extraction equipment. It is considered that a noise impact assessment to determine noise impact from traffic, plant, licensed premises and late night establishments and deliveries would be required along with details of sound insulation and an odour impact assessment to demonstrate that occupiers of the flats would not be affected by odours from cooking smells from commercial premises. No such information has been submitted and in the absence of such information it is considered that it has not been demonstrated that future occupiers of the two flats proposed would not be harmed by noise and odours.

In summary due to the extremely poor light levels, outlook and privacy that occupiers of both the existing and proposed flats would experience, the fact the existing flats which are to be altered would be undersized, as well as the lack of any information to demonstrate that future occupiers of the flats would be protected from poor air quality and noise and odour sources, it is considered the proposed development would result in extremely poor living conditions and standard of amenity and privacy for future occupiers and in this regard the proposal would be contrary to Policy CS19 (LPCS).

Neighbouring Amenity

Due to the built up nature of the properties either side with no facing windows onto the application site the proposed first and second floor level extension would not cause any impact on the amenity of those buildings in relation to overshadowing or loss of outlook.

The rear elevation of the proposed first and second floor level extension would have bedroom and bathroom windows at both first and second floor levels. SPG2 states that there should be a minimum distance of 21m between the windows of habitable rooms and the private garden area of any dwelling. In this case the distance from the bedroom windows at first and second floor levels in the rear of the extension to the private gardens areas of nos. 92, 93 and 94 Peacock Street would all be under 21m and so those rear gardens would all be overlooked by the bedroom windows harmful to their privacy. It is also considered that given the scale of the extension and the proximity to those dwellings that it would generally be an unneighbourly and overbearing form of development to them. In respect of neighbouring amenity therefore the proposal would be contrary to Policy CS19 (LPCS).

Parking and Highways

The proposed development would create two additional units and there is no off-street parking provided but as a town centre location with access to all of the transport links in the town it is considered this is acceptable and in this respect the proposal is compliant with saved Policy P3 (LPFR).

Ecology and 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 £275.88 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 two units and the applicant has not paid the required tariff (£275.88 x 2 = £551.76). 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 is contrary to Paragraphs 180 and 181 of the NPPF (2021) and Policy CS12 (LPCS).

Any Other Material Planning Considerations

None.

Conclusion/Balancing Exercise and Recommendation

The proposal would have the benefit of providing a net addition of two flats would provide a minimal contribution to the Borough's housing supply and adds a small amount of weight in favour of the proposal. However, it is considered that the proposal would cause harm in respect of the character and appearance of the building and the surrounding area and would not preserve the character or appearance of the King Street Conservation Area, would provide completely unacceptable and harmful living conditions for future occupiers, would be harmful to the amenity and privacy of several neighbouring properties and would not protect the Thames Estuary and Marshes SPA/Ramsar site. On balance, it is felt that the benefit of the two additional units does not outweigh the harm that has been identified. As such it is recommended that planning permission is refused.

Recommendation: Refusal

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

Case Officer:	Ms Rebecca Harrison	Team Leader:	Miss Faye Hobbs
Signed:		Signed:	
Dated:	2nd December 2022	Dated:	02 December 2022