



Appeal Decision

Site visit made on 23 July 2024

by Jane Smith MA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 August 2024

Appeal Ref: APP/K2230/W/23/3333941

21A Cobham Street, Gravesend, Kent DA11 0SB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Grixx against the decision of Gravesend Borough Council.
 - The application Ref is 20230741.
 - The development proposed is erection of basement and ground floor rear extension to provide space for an additional residential unit.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Representations were received from an interested party identifying themselves as the owner and resident of 21B Cobham Street, which is the maisonette on the upper floors of the appeal site. However, the Ownership Certificate submitted with the application stated that the appellant was the sole owner of all the land to which the application relates.
3. The Council has provided evidence that the application was advertised through a site notice, and that the occupier of 21B Cobham Street was notified directly that this appeal had been submitted. They have submitted representations articulating their concerns about the proposed development. Therefore, even if the Ownership Certificate is inaccurate, there is no evidence that any procedural unfairness has occurred. I have accordingly proceeded with determination of the appeal, taking into account all representations from interested parties, including the occupier of the upper maisonette.
4. On 30 July 2024, the Government published a consultation on proposed reforms to the National Planning Policy Framework (the Framework) and other changes to the planning system. On the same date, the Secretary of State made a written ministerial statement entitled 'Building the homes we need'. Both parties have had the opportunity to comment on any implications for the appeal and I have taken comments received into account.

Main Issues

5. The main issues are:
 - whether the proposed development would provide suitable living conditions for future occupiers of the basement flat, with regard to sunlight and daylight, outlook and the adequacy of outdoor amenity space, and

- whether adequate arrangements would be made for storage and collection of refuse, having regard to the effect on living conditions for occupiers of the appeal site and surrounding area.

Reasons

Living Conditions in Basement Flat

6. Like several other properties on this residential street, the building on the appeal site is on four storeys, including a basement. It currently provides two maisonettes, each of two storeys. Each of these has its own front door, accessed via external steps leading upwards and downwards from street level.
7. In the proposed basement flat, the living/dining/kitchen area would have a single window and door into an excavated patio, enclosed on all sides by retaining walls and the fabric of the surrounding buildings. No glazing is indicated on the door. Having been extended by some three metres, the rear part of this room would be well back from the fairly modest window and much of this key living area is likely to be dark and unappealing. No technical evidence has been provided in support of the appellant's assertion that adequate light would be available.
8. While the window would have a direct view into the patio, there would be little outlook beyond that, particularly from the living space in the rear part of the room. Unlike the current arrangement, occupiers of the basement flat would not have access to additional rooms upstairs, where there would be brighter conditions and a more attractive outlook. The only bedroom would have a similarly enclosed outlook into the basement yard at the front. Consequently, the whole flat would feel hemmed in.
9. In the Council's Residential Layout Guidelines, originally adopted in 1996, but last updated in 2020 (SPG2), guideline 27 says that no unit of accommodation shall be wholly below ground level and that basements should normally be combined with ground floors, to form maisonettes. The proposal would conflict with that guidance, with the adverse consequences described above.
10. There is no dispute that the basement patio would comply with the minimum size required by SPG2. However, as described above, this modest outdoor area would be hemmed in by vertical walls on all four sides. If well detailed, it may provide a useful enclosed patio area, suiting the needs of some occupiers, but it would inevitably feel rather confined. The harm arising from this particular aspect of the development is mitigated to some extent by the availability of public parks nearby. Nevertheless, the level of enclosure in the outdoor space, in combination with the similar level of enclosure throughout the whole flat, would contribute to an overall unsatisfactory standard of living conditions for future occupiers.
11. It has not been disputed that the flats would meet the Nationally Described Space Standards. They may also provide the accommodation which the appellant requires. However, that accommodation would continue to exist well beyond the point where those immediate requirements have elapsed. In the longer term, the proposal would lead to a deterioration in the overall quality of the housing stock.
12. For the reasons given above, I conclude that the proposed development would not provide suitable living conditions for future occupiers of the basement flat,

with regard to sunlight and daylight, outlook and the adequacy of outdoor amenity space. It would conflict with relevant requirements in Policy CS19 of the Gravesham Local Plan Core Strategy 2014, which include that new development should be fit for purpose, designed to safeguard the amenity of its occupants and that new residential development, including conversions, should accord with the adopted Residential Layout Guidelines.

13. The proposal would also conflict with relevant requirements in the Framework notably paragraph 135 which requires that developments function well, not just for the short term, but over the lifetime of the development, and provide a high standard of amenity for future users.

Refuse Arrangements

14. Cobham Street has a fairly narrow pavement and there is on-street parking along much of its length. Wheeled bins left out on the pavement limit the available space for pedestrians, particularly those using pushchairs or mobility aids. At the time of my site visit I noted litter and refuse odours in various locations along the street, suggesting that refuse is not always well managed, and this is an issue highlighted in representations from interested parties.
15. Currently, bins can be stored in the basement yard at the front of the appeal site. Two bins were stored here at the time of my site visit and there were another two on the pavement. Other properties also had two bins per dwelling, which appears to be the normal level of provision.
16. Although the appellant indicates that additional bins could be stored in the same area, there is little space to do so. The yard would be dominated by stored refuse and access to the basement entrance could be obstructed. The only bedroom in the basement flat would look out into this area, so the occupier of this room is likely to be disturbed when bins are being used or moved to the street. They could also be adversely affected by odour if refuse is not well managed.
17. There is no external access between the street and the rear garden, since the adjacent passageway is outside the appeal site and appears to belong to the neighbouring property. Therefore, the basement yard is the only option for bin storage within the site boundaries. Conversely, if refuse storage is not available on site, the proposal would increase existing issues with obstruction of the pavement and inadequate management of refuse, inconveniencing those using the street and undermining living conditions more generally.
18. For the above reasons, I conclude that the proposal would not make adequate arrangements for storage and collection of refuse. Furthermore, no suitable arrangements could realistically be secured through the imposition of conditions. As such, this aspect of the proposal is also contrary to relevant requirements in Policy CS19 of the Core Strategy which include that new development will incorporate appropriate facilities for the storage and recycling of waste.

Other Matters

19. Although a similar extension has been erected at 22 Cobham Street, this adjacent property appears to be divided into two units, not three, based on the property numbers displayed and the number of bins on site. I have not been provided with any evidence about the planning history of that property and it is

not clear whether the internal layout or allocation of outdoor amenity space to different occupiers is comparable to the proposed layout on the appeal site. In any case, any apparent similarities do not justify creation of unsatisfactory living conditions at the appeal site.

20. The Council did not allege any harm to the character or appearance of the Conservation Area, or the area more generally, although such concerns have been raised by interested parties. The proposed extension would be hidden from public view, at the rear. The significance of the Conservation Area derives largely from the typically Victorian/Edwardian building frontages, which would not change. Based on the evidence before me, I have no reason to disagree with the Council's conclusion that the character and appearance of the Conservation Area would be preserved.
21. The evidence submitted with the appeal indicates that the Council lacks a five year supply of housing, with the Officer Report reporting that the supply of housing land stands significantly below four years. As such, paragraph 11d of the Framework is applicable.
22. Although the relevant development plan policies are deemed to be out of date by virtue of the Council's housing land supply position, the relevant requirements in Policy CS19 of the Core Strategy are consistent with the Framework's focus on delivering well-designed development. I have therefore given the conflict with the development plan significant weight.
23. The proposal would make a small numerical contribution to the supply of housing, since one existing dwelling would be divided into two. Future occupiers would have easy access to services and facilities within walking distance and there is access to rail services, allowing for travel into London and across a wider area. More efficient use would be made of a small, previously developed site. However, the Framework's support for development on such sites is not at the expense of ensuring that all development is well designed. Furthermore, the benefit to the supply of housing would be inherently modest, given the scale of the proposal.
24. Even if I were to agree with the appellant that the proposal avoids any harm to living conditions for neighbouring occupiers, this is a neutral consideration which weighs neither for nor against the proposal.
25. The proposal would provide a poor-quality living environment for future occupiers of the basement flat, and this harm to the quality of the housing stock would endure in the long term. There would also be harm to living conditions more generally, due to the lack of suitable refuse arrangements. These are matters which collectively carry significant weight.
26. Therefore, the adverse impacts of the proposal significantly and demonstrably outweigh the modest benefits when assessed against the policies in the Framework taken as a whole. As a result, the proposal does not benefit from the presumption in favour of sustainable development, as defined in paragraph 11d of the Framework.
27. The appeal site is within 6km of the Thames Estuary and Marshes Special Protection Area (SPA) and Ramsar Site. Within this area, recreational disturbance arising from additional residential development has been identified as having a likely significant effect on qualifying features within the SPA and

Ramsar Site, which provide important habitats for protected breeding, migratory and overwintering bird species.

28. Evidence in the Council's Officer Report indicates that a Strategic Access Mitigation and Monitoring Strategy (SAMMS) is in place and that payment of a financial contribution would, in principle, provide suitable mitigation of any effect of the development on the integrity of the European Sites. However, although the appellant has expressed an intention to make the SAMMS payment, no planning obligation or other legal mechanism has been submitted to secure this mitigation measure. Had I been minded to allow the appeal, this is a matter which I could have raised with the parties. However, since I am dismissing the appeal for other reasons, there is no need for me to address the effect on European Sites any further.

Conclusion

29. The proposed development would conflict with the development plan. No other material considerations, including the provisions of the Framework, indicate that a decision should be made other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

Jane Smith

INSPECTOR