

Delegated Report

Householder Planning Application

Planning Application No: 20230459

Location: 1 Gabriel Gardens Gravesend Kent DA12 4QD

Description: Erection of part two storey and part single storey side, front and rear extension to create a new dwelling; erection of two storey front extension to existing dwelling, formation of two car parking spaces in the front garden and formation of vehicle access to existing parking area.

Applicant: Mr & Mrs Usher

Site Visit Date: 22 June 2023

Submitted Documents/Plans

Application for Planning Permission form;
Drawing no. 101 Existing layouts and elevations;
Drawing no. 102 Proposed layouts and elevations;
Drawing no. 103 Site location plan; and
Drawing no. 104 Existing and proposed block plans.

Relevant Planning History

None.

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS11 – Transport
- 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
- T1 – Impact of Development on Highway Network
- 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.

National Planning Policy Framework (2021)

- 2 – Achieving Sustainable Development
- 5 – Delivering a Sufficient Supply of Homes
- 9 – Promoting Sustainable Transport
- 11 – Making effective use of land
- 12 – Achieving sustainable development and well-designed places
- 15 – Conserving and Enhancing the Natural Environment

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)
- Householder Extensions/Alterations Design Guide (2021)
- Planning Guidance on Waste Collection Requirements (2022)
- KCC Residential Dropped Kerb Guidance and Self-Assessment (May 2023)

Consultations, Publicity and Representations

GBC Environmental Protection Team (Regulatory Services)

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

Code of Practice on Construction and Demolition: Please apply to minimise the impact of the development on neighbouring residential premisses from dust and noise from the groundworks and construction. There should be no burning on site whatsoever.

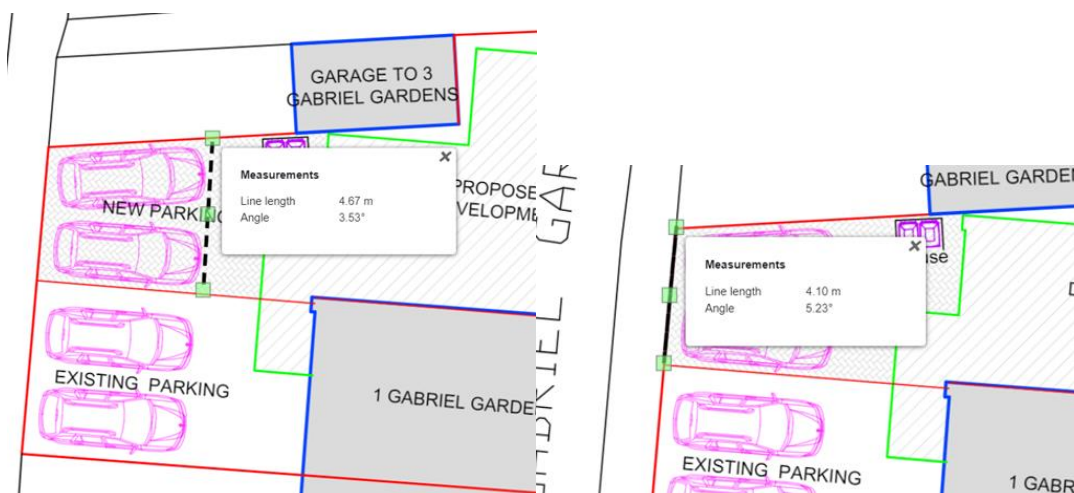
Smoke Control Informative: The proposed development is situated in a smoke control area. As such, only authorised smokeless fuels as listed in the Smoke Control Areas (Authorised Fuels) Regulations 1991 shall be burnt or fireplaces/appliances exempted by Smoke Control (Exempted Fireplaces) Orders shall 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.

GBC Highways Officer

This proposal gets an automatic recommendation of refusal as the parking for the proposed property does not conform to guidance.

SPG4 from Kent and Medway suggest a parking space should be 2.5 metres wide by 5 metres deep, whilst the absolute minimum acceptable would be 2.4 metres wide by 4.8 metres. Here the maximum width is some 4.7 metres narrowing to 4.1 metres at the back edge of footway. However, a reduction to a two bedroom property with a single parking space would be acceptable.



If you are minded to approve, the carriage crossover that would serve the existing hard standing must be provided before any other works takes place to ensure the car parking is readily available via a correctly constructed access. There should also be one cycle parking space for each new bedroom.

Natural England

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

SUMMARY OF NATURAL ENGLAND'S ADVICE

DESIGNATED SITES [EUROPEAN] – NO OBJECTION SUBJECT TO SECURING APPROPRIATE MITIGATION FOR RECREATIONAL PRESSURE IMPACTS ON HABITAT SITES (EUROPEAN SITES).

Natural England notes that the Habitats Regulations Assessment (HRA) has not been provided with the application. As competent authority, and before deciding to give permission for the project which is likely to have a significant effect on a European Protected Site, you must carry out a HRA and adhere to its conclusions.

For all future applications within the zone of influence identified by your authority, please only consult Natural England once the HRA has been produced.

FURTHER INFORMATION REGARDING RECREATIONAL PRESSURE IMPACTS ON HABITAT SITES (EUROPEAN SITES).

Natural England considers that this advice may be used for all applications that fall within the parameters detailed below.

This advice relates to proposed developments that falls within the 'zone of influence' (ZOI) for one or more European designated sites, such as North Kent Special Protection Area (SPA). It is anticipated that new residential development within this zone is 'likely to have a significant effect', when considered either alone or in combination, upon the qualifying features of the European Site due to the risk of increased recreational pressure that could be caused by that development and therefore such development will require an appropriate assessment.

Your authority has measures in place to manage these potential impacts through a strategic solution which we have advised will (in our view) be sufficiently certain and effective in preventing adverse impacts on the integrity of those European Site(s) within the ZOI from the recreational impacts associated with such development.

However, following the People Over Wind ruling by the European Court of Justice, mitigation may not be taken into account at screening stage when considering 'likely significant effects', but can be considered at appropriate assessment. In the light of this, these measures should be formally checked and confirmed by your authority, as the competent authority, via an appropriate assessment in view of the European Site's conservation objectives and in accordance with the Conservation of Habitats & Species Regulations 2017 (as amended).

Natural England is of the view that if these measures, including contributions to them, are implemented, they will be effective and reliable in preventing adverse effects on the integrity of the relevant European Site(s) from recreational impacts for the duration of the development proposed within the relevant ZOI.

Providing that the appropriate assessment concludes that the measures can be secured [with sufficient certainty] as planning conditions or obligations by your authority, and providing that there are no other likely significant effects identified (on this or other protected sites) which require consideration by way of appropriate assessment, Natural England is likely to be satisfied that your appropriate assessments will be able to ascertain with sufficient certainty that there will be no adverse effect on the integrity of the European Site from recreational pressure in view of the site's conservation objectives. In this scenario, Natural England is unlikely to have further comment regarding the Appropriate Assessment, in relation to recreational disturbance.

Natural England should continue to be consulted on all proposals where provision of site specific SANGS (Suitable Alternative Natural Green Space) or other bespoke mitigation for recreational impacts that falls outside of the strategic solution is included as part of the proposal. We would also strongly recommend that applicants proposing site specific infrastructure including SANGs seek pre application advice from Natural England through its Discretionary Advice Service. If your consultation is regarding bespoke site-specific mitigation, please reconsult Natural England putting 'Bespoke Mitigation' in the email header.

Reserved Matters applications, and in some cases the discharge/removal/variation of conditions, where the permission was granted prior to the introduction of the Strategic Solution, should also be subject to the requirements of the Habitats Regulations and our advice above applies.

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

Southern Gas Networks

No response received.

Shorne Parish Council

The Parish Council has no objection in principle to this proposal, subject to there not being any significant valid objection from neighbours, but has concerns that the design and layout may not be suitable or achievable.

The property is an end-of-terrace house on a larger than average plot, which is narrower at the front than the back and is constrained by a garage and driveway belonging to another property. There are not presently any dividing walls or fences. A grassed passageway runs along the side of the plot.

The proposal is to build on another house, making the existing dwelling a mid-terrace. The new house is proposed to be built around the constraining garage on two of its sides, leaving inaccessible spaces and so mutually compromising maintenance.

The existing house is less than 6m wide and is shown in the proposal as having parking space for two cars side-by-side, however the width may be too narrow for this. The proposed new house would have a frontage tapering to less than 4.5m wide, so although two cars are shown parked the width would be inadequate. Neither property would have space left to freely access their front door when vehicles are parked.

The existing house has a stairwell window on the side elevation, which would be lost. A two-storey front extension is shown. A dropped kerb is needed for its parking area.

A dropped kerb is also needed for the proposed additional house. In combination these reduce overall availability of on-street parking in the area.

Neighbouring properties

The application was publicised by a site notice and to eight neighbouring properties by letter, with an overall expiry date of 07 June 2023. Four representations (objections) have been received and are summarised as follows;

- Over development within the curtilage of the garden.
- Intrusion of neighbouring properties in Astra Drive and the owners of the garage at no. 3 Gabriel Gardens.
- Increased noise/disruption to neighbouring properties.
- Increased traffic movements and parked vehicles in a road where parking is already limited.
- Adverse impacts to water pressure in Gabriel Gardens.
- Adverse drainage impacts to no. 5 Gabriel Gardens.
- Loss of light and overshadowing to nos. 137 and 139 Astra Drive
- Loss of view from no. 139 Astra Drive.
- Blighting of no. 139 Astra Drive for resale.
- Adverse impacts of construction (deliveries, large vehicles in small cul-de-sac, noise and pollution).
- Loss of access to garage at no. 3 Gabriel Gardens for repairs and maintenance.
- Adverse impacts to the footings of the garage at no. 3 Gabriel gardens.
- No party wall proposal has been made to the owners of no. 3 Gabriel Gardens.
- Adverse impact to the value of no. 3 Gabriel Gardens.
- The proposed car parking layout would not be achievable.
- Increased on-street parking could impede access for emergency vehicles.
- Adverse visual and odour impacts from location of bins to no. 3 Gabriel Gardens.

Officer's Analysis

Principle of Development

Policy CS02 of the Gravesham Local Plan Core Strategy September 2014 prioritises development in the urban area as a sustainable location and seeks to achieve this by prioritising redevelopment and recycling of underused, derelict and previously developed land, predominately in Opportunity Areas located within Gravesend and Northfleet.

The application site lies within the urban area of Gravesend and is not subject to any specific local planning policies or constraints that restrict the principle of residential development, other than general policies that seek to protect the character of the area and the amenity of existing and future residents.

The proposal would result in the subdivision of an existing residential plot. In this respect there are no specific local planning policies which prohibit this form of development. However, it is noted at a national level the National Planning Policy Framework 2021 (NPPF 2021) seeks to address the issue of garden grabbing in paragraph 71 and states that 'plans should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area'.

It is considered that local adopted policies CS14 (Housing Type and Design), CS15 (Housing Density), and CS19 (Development and Design Principles) together provide an assessment framework in line with the guidance provided by paragraph 71 of the NPPF 2021. Therefore the proposal shall be assessed against these policies in the section below which covers design, character and appearance.

Housing Delivery

Policy CS02 of the Gravesham Local Plan Core Strategy September 2014 sets out the Borough's objectively assessed need for housing over the Plan period (up to the year 2028) and finds that there is a need for at least 6,170 new dwellings during the period. Gravesham is currently unable to demonstrate a five year housing land supply.

Reference to the Five Year Housing Land Supply Statement 2020-25 illustrates that a 3.27 year supply has most recently been calculated. In addition, this document illustrates that the delivery of housing was substantially below (less than 75%) that required by the Housing Delivery Test. Therefore, 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 2021. This paragraph, in regard to housing development, sets out that 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.

The application site is not an asset or area of particular importance as defined above. Therefore paragraph 11(d)(ii) of the NPPF 2021 is relevant to the consideration of this application.

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 would provide one new market dwelling, which would represent a minimal increase in housing supply, which weighs in favour of the proposal. However, this has to be balanced against the other requirements of the NPPF 2021 and in particular, Sections 2, 5, 9, 11, 12, and 15, which require development to be sustainable and make effective use of land, to add to the overall quality of the area, be visually attractive, sympathetic to local character and to provide a high standard of amenity for existing and proposed users; to provide safe and suitable access; and to contribute to and enhance the natural and local environment. These issues will be discussed in detail in the sections below.

Design, Character and Appearance

Paragraph 130 of the NPPF 2021 sets out various design requirements and includes the need for the development to add to the overall quality of an area; be visually attractive; and be sympathetic to local character, including the surrounding built environment. Paragraph 134 of the NPPF 2021 states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

Policy CS19 of the Gravesham Local Plan Core Strategy September 2014 sets out that new development

will be visually attractive, fit for purpose and locally distinctive. It should conserve and enhance the character of the built environment and take account of the scale, height, building lines and other architectural features of buildings. Account should also be taken of strategic views, site topography, the significance of heritage assets and features of townscape and landscape value which contribute to local character and sense of place.

Policy CS14 requires new housing development to provide a range of dwelling types and sizes, taking account of the existing character of the area and evidence of local need.

Policy CS15 requires new housing to be developed at a density that achieves good design and does not compromise the distinctive character of the local area. In urban areas, residential development should achieve a minimum density of 40 dwellings per hectare. Proposals that fail to make efficient use of land for housing, having regard to the character and location of the area may be refused.

Local residents have raised concerns that the proposal would be an overdevelopment of the application site and Shorne Parish Council considers that the proposed design and layout may not be suitable or achievable.

The application site is an end of terrace dwelling, with a large garden that has been segregated into two areas. One area is located immediately behind the dwelling and is well maintained and one area is located immediately to the north of the dwelling and is overgrown. The front garden is part block paved and part laid to grass and concrete, with a small, offset dropped kerb.



Gabriel Gardens is a residential cul-de-sac comprising of nine, two storey dwellings in two terraces. The dwellings have the same design and external facing materials, although some have been subject to extensions and alterations. The most prominent of which is no. 9, which has a large, part two storey and part single storey, side extension, a two storey front extension and is located at the opposite end of the terrace that contains the application site. Four properties have front porch extensions and another has a two storey front extension.



Terrace containing application site



Terrace opposite the application site

In the wider urban area, blocks of terraced dwellings in cul-de-sacs are a feature of the settlement pattern.



It is noted that the extension to the opposite end of the terrace in which the application site is located (identified with an arrow), has already slightly undermined the settlement pattern in the wider urban area.

The proposed external facing materials and fenestration would match with the existing building and those in the surrounding area. The proposal would make effective use of the application site and provide an additional terraced dwelling in an area that is characterised by such development, which would be in line with Policy CS14 of the Gravesham Local Plan Core Strategy (2014) and paragraph 125(c) of the NPPF.

The proposed front extension to the existing building, by virtue of its attachment to the front projection on the proposed dwelling, its roof design and its depth, would not be typical of existing two storey front extensions in the locality and would be a prominent feature in the street scene. The proposed front extension would have a depth of 1.8 metres compared to 1.3 and 1.4 metres for similar extensions at no. 8 and no. 9 Gabriel Gardens respectively. As the above images show, the existing two storey front extensions in Gabriel Gardens have small gable end roofs and are not unduly prominent. Whereas the proposed development would be an incongruous and dominant feature of the street scene.

The proposed development would comprise of large and bulky additions to the side, front and rear of the application building to create a new dwelling and would result in a side elevation that is widely visible in the street scene. The new dwelling would elongate the terrace, with an irregular shaped building, that wraps around the existing garage for no. 3 Gabriel Gardens, providing a blank façade at the entrance to the cul-de-sac and as such, would be incongruous and undermine the character of the existing building, the street scene and the existing pattern of development in the surrounding area.

In addition, as an end of terrace, the proposed dwelling should include an external rear access. However, none would be provided and in addition, the existing rear access to the application property would be lost.

In terms of housing density, the application site has a similar density to other end of terrace properties in the area. These have generous side gardens, which provide lower density development (around 25 dwellings per hectare) than their mid-terraced neighbours. The mid-terraced dwellings have smaller gardens and as a result, have much higher densities (around 65 dwellings per hectare).

The proposed development would result in the new dwelling having a density of 41 dwellings per hectare and the retained dwelling having a density of 65 dwellings per hectare. Policy CS15 of the Gravesham Local Plan Core Strategy (2014) encourages development within the urban area to be at least 40 dwellings per hectare but states that the density of the proposal should not compromise the distinctive character of the local area. The proposal would achieve appropriate density numerically, but it would result in an end of terrace dwelling with a smaller garden than surrounding end of terrace properties and as such, it would not respect local character.

The proposal includes a bin store located in the front garden of the new dwelling but in the absence of detailed information, it is not clear whether the bins would be entirely screened from view. If not screened, then the bins would be an unsightly addition to the street scene. Although it is noted that some existing dwellings in Gabirel Gardens already store bins on their frontages, these are mid-terrace properties with no external rear access and no practical alternative. Therefore, it would be preferable for the proposed dwelling to be designed to have a rear access and to facilitate the storage of bins in the rear garden.

No details of the proposed landscaping for the application site have been provided. Therefore, any planning permission granted would be conditioned to require the submission and approval of this information.

Overall, it is considered that the proposed development, by reason of its design, form and appearance, would be an overdevelopment of the application site, which would be incongruous and out of character with the existing building and its surroundings and would be detrimental to the appearance of the street scene. As such, the proposal would be contrary to paragraph 130 of the NPPF 2021 and Policy CS19 of the Gravesham Local Plan Core Strategy September 2014.

Amenity of Future Occupiers

Paragraph 130(f) of the NPPF 2021 sets out that developments should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Policy CS19 of the Gravesham Local Plan Core Strategy September 2014 requires new development to be located, designed and constructed to safeguard the amenity, including privacy, daylight and sunlight, of its occupants. In this regard, the Nationally Described Space Standards (NDSS) and the Borough Council's adopted Residential Layout Guidelines (RLG) are relevant.

It should be noted that the original large garden at the application site, was split in two at some time between April 2020 and February 2021 (around the same time as a rear extension was constructed using permitted development rights). Although two separate spaces, the existing residents have access to both garden areas.

For a three bedroom dwelling, the RLG require a minimum garden area of 60 square metres and depth of 10 metres. Whilst the proposed dwelling would have garden that exceeds this area, the existing dwelling would only have 49 square metres and both gardens would be slightly below 10 metres depth. However, it is noted that the adjacent mid-terrace dwellings have similar sized rear gardens to that proposed for the existing dwelling.

The proposed development would result in the loss of an external access to the rear of the application property and the proposed dwelling would have no external rear access, which would be a negative impact and be contrary to the RLG (paragraph 6). It is noted that an alleyway adjoins the side and rear of the existing garden, which could provide access. However, the alleyway does not appear to be accessible from the application site at present and no ownership/rights of access information has been provided.

In terms of bedroom sizes and internal floor areas, the proposed development would be broadly acceptable. However proposed bedroom three is slightly below the minimum floor area required by the NDSS for a double bedroom.

The proposed development includes a refuse storage area for the new dwelling but no refuse provision is shown for the existing dwelling. The proposed refuse storage area would have sufficient capacity (but there are no details of its construction) and there would be sufficient space within the rear garden of the existing dwelling for refuse storage. The submission and approval of full refuse details would be required by a planning condition attached to any planning permission granted.

In order to prevent a loss of privacy for future occupiers, any proposed bathroom/w.c./en-suite windows should be conditioned to be permanently obscure glazed.

It is noted that the proposal would include the blocking up of a hallway window, which would reduce natural light in the existing dwelling. However, as a hallway is a non-habitable room, then the loss of light would not result in significantly adverse living conditions for existing occupiers.

Overall, it is considered that the proposed garden size/depth, the lack of external rear access and the under sized bedroom would undermine the living conditions for future occupiers and be contrary to the NDSS and the RLG. However on balance, it is considered that the detriment to residential amenity would not be so significant as to warrant a refusal of planning permission. As such, the proposal would be in line with Policy CS19 of the Gravesham Local Plan Core Strategy (2014).

Neighbouring Amenity

Paragraph 130(f) of the NPPF 2021 sets out that developments should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Policy CS19 of the Gravesham Local Plan Core Strategy September 2014 requires new development to be located, designed and constructed to safeguard the amenity, including privacy, daylight and sunlight, of neighbouring occupiers and to avoid adverse environmental impacts from pollution, including noise, air, odour and light pollution. In this regard, the NDSS and the RLG are relevant.

The closest residential properties to the application site are nos. 135, 137 and 139 Astra Drive (located to the north), no. 3 Gabriel Gardens (located to the south) and nos. 2 and 4 Judeth Gardens (located to the east). No. 2 Gabriel Gardens and no. 141 Astra Drive are located to the west across the roadway.

The proposed development would introduce a number of new windows, both at the application property and in the new dwelling. The RLG set out that privacy distances between facing windows should be met, in order to prevent overlooking. A privacy distance of 21 metres is required for facing windows where there is no private garden area in between and a privacy distance of 26 metres is required where a private garden is within the field of view.

For the proposed dwelling, the windows for bedrooms 1 and 3 would face no. 2 Judeth Gardens across a private garden, with privacy distances of 21 and 24 metres respectively. Therefore, they would cause adverse overlooking impacts. The window for bedroom 2 would face no. 2 Gabriel Gardens (side garden area) and no. 141 Astra Drive (rear of garden). The privacy distances would be 26 metres and 17 metres respectively. However, it is noted that an outbuilding at no. 141 provides some screening and the view from the proposed window would be oblique. Therefore, there would be no adverse overlooking impact.

The rear ground floor windows would be screened by boundary treatments and the front windows would be non-habitable (porch) and could be conditioned to be obscure glazed (en-suite). Therefore, there would be no adverse overlooking impact.

No windows are proposed at first floor level in the side elevation of the proposed dwelling. In order to prevent any future loss of privacy to neighbours, any planning permission granted should be conditioned to preclude the future insertion of any windows or openings in the side elevations of the proposed development.

For the existing dwelling, the windows in the front elevation of the proposed front extension would be 23 metres from no. 2 Gabriel Gardens with no private garden area in between. Therefore, there would be no adverse overlooking impact.

In terms of overshadowing and overbearing impacts, the proposed dwelling, by virtue of the design of the proposed development and due to the layout and orientation of the surrounding properties, would have no adverse impacts on the occupiers of any of the surroundings dwellings (except for the application property itself).

The proposed dwelling would be set back some three metres, over two storeys, at the rear, immediately adjacent to the boundary with the existing dwelling. The closest first floor window to the boundary is a bathroom (a non-habitable room) but a bedroom window is located only 2.5 metres away. The bedroom window would fall outside of 45° lines drawn from the corner of the proposed extension in both plan and elevation and as such, it would not experience a significant loss of daylight. Furthermore, due to the eastern orientation of the dwellings, there would be no adverse impact on sunlight.

Due to the proximity of the new dwelling to the boundary and its proposed depth, there would be some adverse overbearing impacts to the occupiers of the existing dwelling, however these would not be so significant as to warrant a refusal of planning permission.

The proposed front extension on the existing dwelling, would have a depth of 1.8 metres, over two storeys, immediately adjacent to a lounge and bedroom windows of that property. The bedroom window would fall outside of a 45° line drawn from the corner of the proposed extension in elevation but within the 45° line in layout and as such, it would not experience a significant loss of daylight. The lounge window would fall within 45° lines drawn from the corner of the proposed extension in both layout and elevation and as such, it would experience a loss of daylight. However, as the lounge window faces west, there would be no adverse impact on sunlight. Overall, it is considered that the adverse overshadowing impact on the lounge window would not be so significant as to warrant a refusal of planning permission.

The proposed development would introduce a new dwelling at the application site, which would generate additional noise and disturbance (through increased comings and goings, external domestic activities etc). However, as a single property in a residential area, the increase in noise and disturbance would not be significant and would not be detrimental to the residential amenity of surrounding occupiers.

The location of the bin store adjacent to the boundary of no. 3 Gabriel Gardens has the potential to cause adverse odour impacts. According to the Planning Guidance on Waste Collection Requirements (2022), sufficient space should be available at new dwellings for the storage and presentation of two large bins and one food waste caddy. Therefore, as sufficient space to accommodate these bins would be provided, then it is considered that there would be no adverse odour impacts.

Overall, it is considered that the proposed development, by virtue of the inclusion of first floor windows in the rear elevation of the new dwelling and its proximity to the boundary with no. 2 Judeth Gardens, would lead to a detrimental level of overlooking and an unacceptable loss of privacy from that property. The proposal would therefore be detrimental to the residential amenity of the occupants of no. 2 Judeth Gardens and contrary to Policy CS19 of the Gravesham Local Plan Core Strategy September 2014, to Paragraph 130(f) of the National Planning Policy Framework (2021) and to the RLG.

Parking and Highways

Policy CS11 of the Gravesham Local Plan Core Strategy September 2014 and Saved Policies T1 and P3 of the Gravesham Local Plan First Review November 1994 require new development to mitigate its impact on the highway and public transport networks and to provide sufficient parking in accordance with adopted parking standards.

Originally the application property had a single garage and a parking space in front of that garage, accessed by a dropped kerb. This was the same arrangement as that which exists at no. 3 Gabriel Gardens. The following photograph shows the existing garage for no. 3 Gabriel Gardens (identified by a blue arrow).



At present, the application site frontage is block paved and used for parking despite there not being a dropped kerb immediately in front. Access to the parking area is via the small dropped kerb located on the northern side of the front boundary and identified by a red arrow in the above image.

The GBC Highways Officer has raised concerns regarding the size/amount of proposed vehicle parking for the new dwelling and requires the provision of a new dropped kerb for the existing parking area and three cycle parking spaces for the new dwelling.

According to the Borough Council's adopted Vehicle Parking Standards, a three bedroom dwelling should have two vehicle parking spaces and according to the KCC Residential Dropped Kerb Guidance and Self-Assessment (May 2023) document, parking spaces located perpendicular to the roadway should be a minimum of 2.4 metres (width) by 4.8 or 6 metres (depth). Six metres depth would be required if the space is in front of an access door or garage.

The parking for the existing dwelling would be appropriate in size but would require the formation of a new dropped kerb for access. Although notice has been served on KCC Highways, the red line boundary for the application site does not include the pavement in front of it. Therefore, a condition cannot be added to any planning permission granted to require the formation of a dropped kerb. If there was not a design and amenity objection to this proposal, the applicant would have been asked to extend the red line boundary, to facilitate the use of such a condition.

The parking for the proposed dwelling would not be appropriate in size, as the maximum width at the site frontage would be some 4.7 metres narrowing to 4.1 metres at the back edge of footway. Therefore, only one sufficiently sized vehicle parking space would be provided and as such, there would be a shortfall of one parking space, which would put pressure on on-street parking in a small cul-de-sac and be detrimental to highway safety.

The submitted details show that the proposed dwelling would have cycle storage in the rear garden, the details of which could be conditioned to be approved and retained permanently.

Local residents have raised concerns regarding the adverse impacts of additional vehicle movements in Gabriel Gardens. However, as a single dwelling, the increase in vehicle movements would not be significant and the GBC Highways Officer has not raised an objection in this regard.

Overall, it is considered that the proposal would make insufficient provision for the parking of cars within the site in accordance with the Borough Council's adopted Vehicle Parking Standards and would be likely to lead to cars parking on the public highway, inconvenient to other road users and detrimental to highway safety. As such, the proposal would be contrary to Policy CS11 of the Gravesham Local Plan Core Strategy (September 2014) and Saved Policies T1 and P3 of the Gravesham Local Plan First Review November 1994.

Ecology and Biodiversity

Paragraph 180 of the NPPF 2021 states that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated or as a last resort, compensated for, then planning permission should be refused. Paragraph 181 sets out that Special Protection Areas and Ramsar Sites should be given the same protection as habitats sites.

Policy CS12 of the Gravesham Local Plan Core Strategy September 2014 states that sites designated for their biodiversity value will be protected, with the highest level of protection given to internationally designated Special Protection Areas, Special Areas of Conservation and Ramsar sites. It also states that, where a negative impact on a protected or priority habitat/species cannot be avoided, compensatory provision will be required.

The application site falls within 6 km 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. The site 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 6 km zone since September 2015 by accepting a Strategic Access Mitigation and Monitoring Strategy (SAMMS) tariff payment (currently £314.05 per dwelling).

The proposed development would result in the creation of one new dwelling and as such, additional recreational activity would result. No suitable planning obligation or bespoke mitigation scheme has been submitted and no tariff payment has been made. As such, there would be no mitigation of the impacts of the additional recreational activity and the consequent adverse impact on biodiversity. As such, the proposed development would be contrary to Policy CS12 of the Gravesham Local Plan Core Strategy September 2014 and to paragraphs 180 and 181 of the NPPF 2021.

Climate Change

Policy CS19 of the Gravesham Local Plan Core Strategy September 2014 requires new development to take advantage of opportunities to build in resilience to the effects of climate change.

The application contains no specific information regarding climate change. Therefore, to ensure that climate change resilience forms part of the proposed development, a planning condition can be included to this effect, on any planning permission granted. As such, the proposed development would be in line with Policy CS19 of the Gravesham Local Plan Core Strategy (2014).

Any Other Material Planning Considerations

The application site is located within an area of multi-period archaeological potential and Groundwater Source Protection Zone 3. However, as the proposed development is within the confines of an existing residential garden and only a relatively small amount of groundworks would occur, then it is considered that there would be no adverse impacts to groundwater or archaeology. As such, the proposal would be in line with Policies CS19 and CS20 of the Gravesham Local Plan Core Strategy (September 2014) and Saved Policy TC7 of the Gravesham Local Plan First Review November 1994.

The application site is located in close proximity to a gas pipeline (along the site frontage). Southern Gas Networks have not provided a consultation response but as the works would be relatively minor and would be located within the confines of an existing residential garden, it is considered that there would be no adverse impacts to gas infrastructure. The applicant should be made aware of the gas pipeline via an informative on any planning permission granted.

The application site is located in a smoke control area. As such, advice regarding smokeless fuels/appliances can be given to the applicant in an informative attached to any planning permission granted.

Local residents have raised a number of concerns, the majority of which have been covered in the above discussion. The outstanding issues raised by local residents are not planning issues and therefore cannot be taken into account in the determination of this application. These are;

- Adverse impacts to water pressure in Gabriel Gardens.
- Loss of view from no. 139 Astra Drive.
- Blighting of no. 139 Astra Drive for resale.
- Adverse impacts of construction (deliveries, large vehicles in small cul-de-sac, noise and pollution).
- Loss of access to garage at no. 3 Gabriel Gardens for repairs and maintenance.
- Adverse impacts to the footings of the garage at no. 3 Gabriel gardens.
- No party wall proposal has been made to the owners of no. 3 Gabriel Gardens.
- Adverse impact to the value of no. 3 Gabriel Gardens.

Conclusion & Recommendation

The Borough Council cannot currently demonstrate a five-year housing land supply and accordingly, the presumption for sustainable development as outlined in paragraph 11(d)(ii) of the NPPF is applicable. This states that planning permission should be granted for residential development unless the benefits of the proposal are significantly and demonstrably outweighed by the harm.

The proposal would deliver a suitably located dwelling to the local housing stock and would boost the supply of dwellings in the Borough. This would generate both social and economic benefits, with economic benefits accrued through the construction phase and subsequently, through the reliance of future occupiers on local facilities and services. However, any economic benefits arising from the construction and occupation of the development would be limited by reason of the scale of the proposal and be relatively localised in impact.

The proposal would make efficient use of land, provide an appropriate type of dwelling (an end of terrace) in an existing residential area. It would not be detrimental to the residential amenity of future occupiers and there would be no adverse impacts to groundwater, archaeology or gas infrastructure.

These benefits are attributed minor weight.

The proposed development, by reason of its design, form and appearance, would be an overdevelopment of the application site, which would be incongruous and out of character with the existing building and its surroundings and would be detrimental to the appearance of the street scene. As such, the proposal would be contrary to paragraph 130 of the NPPF 2021 and Policy CS19 of the Gravesham Local Plan Core Strategy September 2014.

The proposed development, by virtue of the inclusion of first floor windows in the rear elevation of the new dwelling and its proximity to the boundary with no. 2 Judeth Gardens, would lead to a detrimental level of overlooking and an unacceptable loss of privacy from that property. The proposal would therefore be detrimental to the residential amenity of the occupants of no. 2 Judeth Gardens and contrary to Policy CS19 of the Gravesham Local Plan Core Strategy September 2014, to Paragraph 130(f) of the National Planning Policy Framework (2021) and to the RLG.

The proposal would make insufficient provision for the parking of cars within the site in accordance with the Borough Council's adopted Vehicle Parking Standards and would be likely to lead to cars parking on the public highway, inconvenient to other road users and detrimental to highway safety. As such, the proposal would be contrary to Policy CS11 of the Gravesham Local Plan Core Strategy (September 2014) and Saved Policies T1 and P3 of the Gravesham Local Plan First Review November 1994.

The proposal would fail to safeguard biodiversity and fail to secure a contribution towards strategic mitigation measures within Special Protection Areas. Therefore, the proposal would be contrary to paragraphs 180 and 181 of the NPPF 2021 and Policy CS12 of the Gravesham Local Plan Core Strategy September 2014.

These harms are attributed significant weight.

On balance, it is considered that the benefits of the proposal are significantly and demonstrably outweighed by the significant harms and planning permission should be refused.

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

Case Officer:	Mrs Kelly Joyce	Team Leader:	Miss Faye Hobbs
Signed:		Signed:	
Dated:	13 July 2023	Dated:	13 July 2023