

Delegated Report

Planning Application

Planning Application No: 20230938

Location: 15 Norfolk Road Gravesend Kent DA12 2RX

Description: Change of use from family dwellinghouse (Use Class C3) to large HMO (Sui Generis) and loft conversion with two rear dormers and two rooflights to front roofslope.

Applicant: Mr Indi Ubhi

Site Visit Date: External photo taken on 03.10.23

Submitted Documents/Plans

Application Form;
Supplementary Information – Planning Statement;
Block Plan – Existing (received on 18.09.23);
Block Plan – Proposed (received on 18.09.23);
OS Plan (received on 08.09.23);
Elevations – Existing (received on 08.09.23);
Elevations – Proposed (received on 08.09.23);
Floor Plans – Existing (received on 08.09.23); and
Floor Plans – Proposed (received on 08.09.23).

Plan Note

Existing and proposed side elevations have not been provided, however, as the Local Planning Authority are not looking to support the application, these plans have not been requested.

Relevant Planning History

No relevant history.

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS11 – Transport
- CS12 – Green Infrastructure
- CS14 – Housing Type and Size
- CS18 – Climate Change
- CS19 – Development & Design Principles

Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards
- H5 – Increasing the Housing Stock by the Conversion of Existing Buildings

- T1 – Impact of Development on the Highway Network

Paragraph 33 of the NPPF (2023) 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 (2023), the Council will also seek to replace these.

In *Hopkins Homes Ltd v Secretary of State for Communities and Local Government* [2017] 1 W.L.R. 1865, Lord Carnwath reemphasised that the National Planning Policy Framework is only a material consideration in planning decisions and that that planning applications should be determined in accordance with the development plan. Paragraph 12 of the NPPF expressly states that the starting point for decision-making is the development plan. Lord Carnwath as part of the Supreme Court decision stated,

“It is important, however, in assessing the effect of the Framework, not to overstate the scope of this policy-making role. The Framework itself makes clear that as respects the determination of planning applications (by contrast with plan-making in which it has statutory recognition), it is no more than “guidance” and as such a “material consideration” for the purposes of section 70(2) of the 1990 Act... It cannot, and does not purport to, displace the primacy given by the statute and policy to the statutory development plan. It must be exercised consistently with, and not so as to displace or distort, the statutory scheme.”

It is a matter of law that all planning applications need to be considered in accordance with the legislation and relevant policy that applies at the point a decision is taken. The Council published a revised 5 year housing land supply statement in March 2023, it demonstrates that based on data up for the period 2022-2027, the Council can only demonstrate a land supply of 2.9 years.

Given the Council’s current inability to demonstrate a 5-year housing land supply, 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) (2023). 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)
- 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.

National Planning Policy Framework (2023)

- Section 2 – Achieving Sustainable Development
- Section 8 – Promoting healthy and safe communities
- Section 9 – Promoting sustainable transport
- Section 11 – Making effective use of land
- Section 12 – Achieving Well-designed Places
- Section 15 – Conserving and enhancing the natural environment

Supplementary Planning Guidance

- SPG2 - 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)
- Technical Housing Standards – Nationally Described Space Standards (2015)
- Guidance for HMO Amenity Standards (V2 2023).

Consultations, Publicity and Representations

Consultees

Local Ward Councillors

No comments received.

GBC – Highways Officer

This proposal converts a three bedroom dwelling to a five bedroom HMO, for which no guidance is given regarding car parking provision.

Considering cycles first as a three bedroom dwelling the current requirement would be three cycles this would increase to five for a five bedroom dwelling or five if each bedroom were considered as a flat. So two secure cycle parking spaces are required.

In terms of car parking this is more difficult. Gravesham's adopted parking standards are no longer considered appropriate as they are maximums and the National Planning Policy Framework states,

108. Maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport (in accordance with chapter 11 of this Framework). In town centres, local authorities should seek to improve the quality of parking so that it is convenient, safe and secure, alongside measures to promote accessibility for pedestrians and cyclists.

The only other standards that are applicable in Kent, is the Kent County Council Interim Guidance Note 3 for residential parking that forms part of the Kent Design. Whilst the Kent Design Guide has been adopted by the Council, the guidance notes have not. But even here in certain instances maximum standards are proposed.

In a suburban area using the County Council's guidance 1.5 spaces are required for a three bedroom property increasing to 2 spaces for a four more bedroom property (in both cases minimums). If each bedroom is considered as a flat, as occupiers are unrelated and therefore unlikely to share vehicles this raises the requirement to 5 spaces. This raises the difference to 3.5 spaces, accepting that not everyone in a HMO may own a vehicle accepting a 50% reduction gives a difference of 1.75 or 2 vehicles rounding up, which the applicant cannot provide.

The applicant gives no information regarding the availability of on street parking which is liable to be at a minimum overnight and the residents parking scheme operates only for a limited time Monday to Friday.



As can be seen in the image above during the day on street parking demand can be high, although spaces are it would appear readily available. However looking at the November 2022 Street View image below it

can be seen, that pavement parking occurs, to the detriment of pedestrians particularly those with a mobility impairment, children and parents with children.



Google Street View November 2022



Google Street View 2021

Given the possible increase in need for on street parking for this development, I would recommend refusal as any increase in on street parking would be detrimental to highway safety.

GBC – Waste and Recycling Manager

No comments received.

Neighbouring properties

Five surrounding properties were consulted, a site notice was displayed on 03.10.23 and one response was received, objecting to the proposal.

The representation raised various concerns which have been summarised below:

- Norfolk Road consists of terraced family dwellings, and a large HMO is not appropriate in such a location.
- I am concerned by the number of people who might be housed in what is listed as a large HMO.
- It is unnecessary and not appropriate for the area to convert a family house into an HMO, it is a money making exercise, without consideration to the impact on the current families in the area.
- Concerns with parking, which is getting increasingly difficult for current residents, adding more people into an already congested area is wrong.

The concerns relating to housing type, amenity of future occupiers, neighbouring amenity and parking are material planning considerations and shall be assessed in the relevant sections of the report below.

Officer's Analysis

15 Norfolk Road is a two storey mid terraced property located to the south west of Norfolk Road.

Site Photo



Aerial Photo



This application proposes the change of use of the dwelling, from a family dwellinghouse (Use Class C3), to a large HMO (Sui Generis), incorporating a loft conversion consisting of two rear dormers and two rooflights to the front roofslope.

It is evident from the above aerial image that some surrounding properties have carried out dormer extensions to the rear of the properties. However, there are no planning permissions in relation to this development.

Proposed Development

The development would result in the property going from a three bedroomed family dwellinghouse to a 5 bedroomed large HMO for up to 9 occupiers. Two rear dormers would be constructed in the rear elevation of the property; one in the rear roofslope and one in the outrigger of the dwelling.

Existing

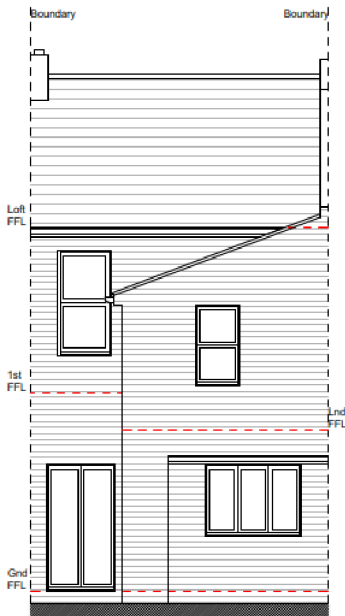


Front Elevation

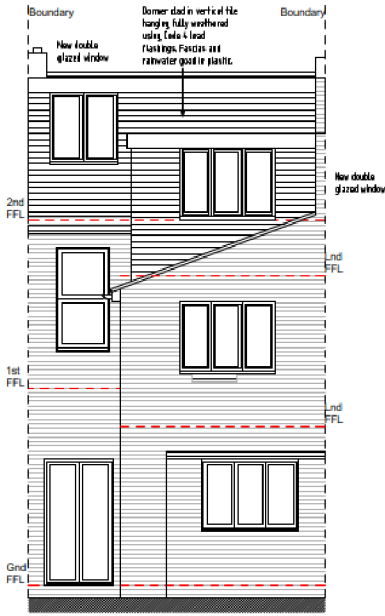
Proposed



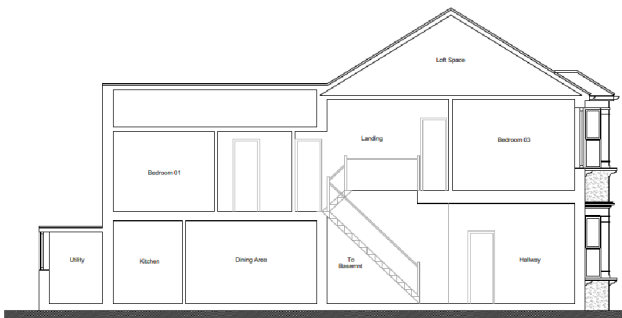
Front Elevation



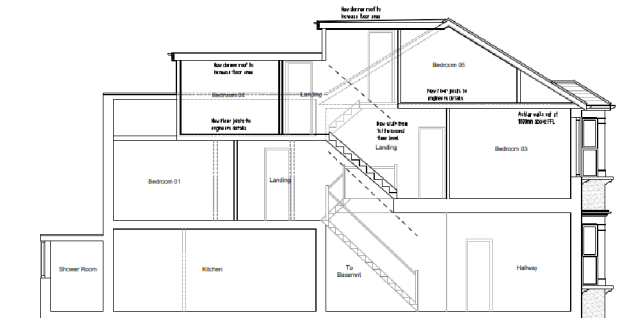
Rear Elevation



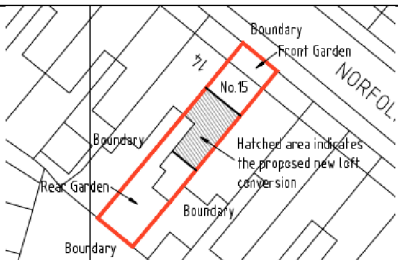
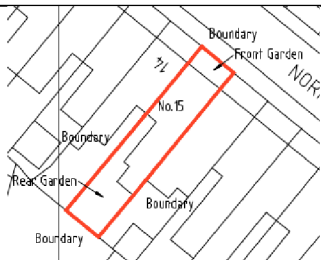
Rear Elevation



Section A-A



Section A-A



Principle of Development

The site is within the urban boundary of Gravesend which is covered by Policy CS02 of Gravesham's Local Plan Core Strategy (LPCS) (2014) which prioritises development in the urban area as a sustainable location for development. As such, generally there is no objection to the principle of development, however this needs to be balanced against Local and National Planning Policy and guidance.

Policy CS14 (LPCS) (2014) (Housing Type and Style) expects new development to take *into account the existing character of the area*. The policy states that for market housing, there is a significant need for 3 bedroom and 2 bedroom properties. Furthermore, *the underlying long term trends remain, with clear housing demands from potential first time buyers, growing families and the elderly*. Although the proposed HMO would contribute towards housing need, it is considered that the proposal is not targeting the trending demographics according to Policy CS14 (LPCS) (2014).

Saved Policy H5 (LPFR) states that in the conversion of existing properties to form houses of multiple occupancy, the Council will consider, amongst other things, if the building is in a suitable location. The policy states that *unless there are special or overriding circumstances, conversions will not normally be permitted in an area comprised for the most part of single family dwellings*. Additionally, the policy sets out that the adopted vehicle parking standards must be achieved wherever possible, the proposal shall have regard to the Council's residential layout guidelines and the building shall be of size and arrangement as to be generally unsuitable for single family occupation.

Overall balancing exercise

The site is within walking distance to a bus stop and local shops/amenities. The nearby town centre can be reached by a longer walk or by bus. Although the principle of the development would therefore accord with CS02 (LPCS) (2014) which prioritises development within the urban area, this proposal would result in the loss of a family dwellinghouse and is overall considered to be contrary to Policy CS14 (LPCS) (2014) and Saved Policy H5 (LPFR) (1994).

Design, Character and Appearance

Policy CS19 (Development and Design Principles) (LPCS) states that new development will be visually attractive and locally distinctive. It should also conserve and enhance the character of the local built and natural environment and integrate well with the surrounding area.

The proposed dormers would overwhelm the properties roof slopes. The development would result in an incongruous, bulky and disproportionate additions to the dwelling, and would result in the property having a cramped three storey appearance. This is considered to be highly detrimental to the character of the existing dwellinghouse, and that of the surrounding area.

Whilst the property benefits from permitted development rights the roof extensions have to be considered against local and national design policy. As such, the proposal is considered to be contrary to Policy CS19 of the Gravesham Local Plan Core Strategy (LPCS) (2014) and Section 12 of the National Planning Policy Framework (NPPF) (2023.)

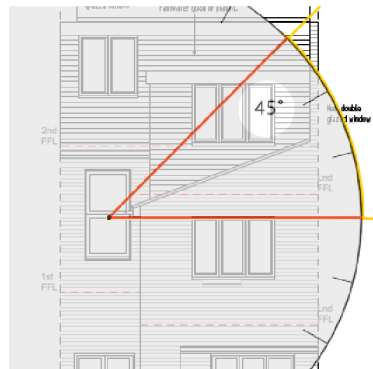
Amenity of Future Occupiers

Gravesham's HMO Amenity Standards (V2 2023) sets out the expected space and requirements for a house in multiple occupation in Gravesham. This includes minimum bedroom size requirements, lighting levels, ventilation and extraction systems and any shared facilities. The plans indicate the room sizes would conform to the guidance.

The "Technical housing standards – nationally described space standard" was published by the

Department for Communities and Local Government in March 2015. This document sets out requirements for the gross internal area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home. Although a five bedroom, 9 person dwelling is not specified within the guidance, the plans are considered to generally comply with the guidance.

Gravesham's supplementary guidance; SPG2 – Residential Layout Guidelines (RLG) (2020) sets out expected garden depth and area. For a 5 bedroomed property, the resultant garden space should be 100.00sqm with a 10.00m depth. Although the garden depth is considered to meet the requirement, the garden area falls below at 42.32sqm. In addition, it is noted that the development would impact light as indicated below:

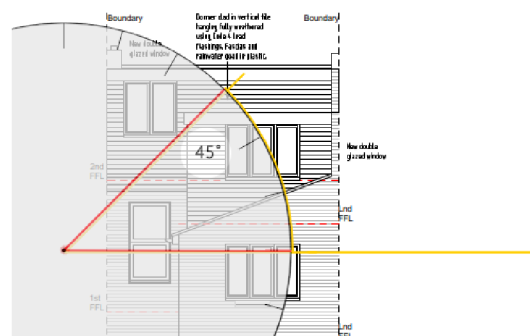


With consideration of the above, the proposal fails to safeguard the amenity of future occupiers contrary to Policies CS19 (LPCS) (2014) and Section 12 (NPPF) (2023).

Neighbouring Amenity

As aforementioned above, one neighbour response was received objecting to the proposal. Impact on neighbouring amenity shall be assessed below.

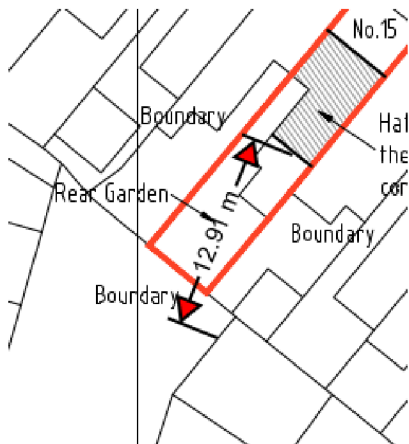
Detailed plans showing neighbouring windows have not been provided as part of this application. However, an approximation of the 45 degree rule indicates the development has the potential to impact the light to neighbouring properties:



In addition, there appears to be a side window in the dormer of No.16 which would be impacted by the development:



Furthermore, the proposed development would likely impact neighbouring privacy by virtue of the fenestration proposed. It would fail to meet the privacy distances set out by the RLG (2020), which requires a 21.00m privacy distance, which is not met between the proposed development and property located to the rear of the site:



In addition, the new windows in the flank elevation, facing No. 14 Norfolk Road would impact neighbouring amenity. It is noted that these would be obscure glazed, however, this still has the potential to impact neighbouring privacy.

Furthermore, the development would be likely to cause a sense of enclosure to neighbouring properties, No.14 Norfolk Road in particular.

Overall, the proposal is considered to fail to demonstrate it would safeguard the amenity of neighbouring properties, contrary to Policy CS19 (LPCS) (2014) and Section 12 (NPPF) (2023).

Highways and Parking

The property does not benefit from off-street parking and this application proposes an additional two bedrooms which would facilitate the proposed nine person HMO. Gravesham's Highways Officer raises concerns with the increase in need for on street parking that arises as a result of this proposal, and considers that this would be detrimental to highway safety due to the pavement parking that already occurs. Although there is no specific class within SPG 4 - KCC Parking Standards (2006) in relation to parking provision for HMO's, the guidance for C3 dwellings can be used to assist with the likely demand. Using Gravesham's Highways Officer's calculations, an additional 3.5 spaces would be required post development. As such, the proposal would increase the parking demand in the area and would not be able to account for this demand. As such the proposal is considered to be contrary to saved Policies H5 and P3 (LPFR) (1994).

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 waterbirds 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 each unit/per net increase in bedrooms

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 a 5 bedroomed HMO 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). The SAMMS agreement and payment has not been made. Therefore, 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. As such, in respect of ecology and biodiversity the proposal is not compliant with Section 15 (specifically paragraphs 180 and 181) of the NPPF (2023) and Policy CS12 (LPCS) (2014).

Conclusion

The application has been fully considered and is contrary to local and national planning policy.

The development would mean the loss of a family dwellinghouse and would result in an incongruous, bulky and disproportionate dwelling, giving the property a cramped, three storey appearance when viewed from the rear which is highly detrimental to the character of the existing dwellinghouse, and that of the surrounding area. As such, the proposal is considered to be contrary to Policies CS14 and CS19 of the Gravesham Local Plan Core Strategy (LPCS) (2014), Saved Policy H5 of the Local Plan First Review (LPFR) (1994) and Section 12 of the National Planning Policy Framework (NPPF) (2023).

In addition, the proposal fails to safeguard the amenity of future occupiers contrary to Policies CS19 (LPCS) (2014) and Section 12 (NPPF) (2023). Furthermore, it fails to demonstrate it would safeguard the amenity of neighbouring properties, contrary to Policy CS19 (LPCS) (2014) and Section 12 (NPPF) (2023).

It is also considered that the proposal would increase parking demand in the area without being able to provide any off-street parking to account for this demand, contrary to saved Policies H5 and P3 (LPFR) (1994).

The applicant has failed to provide any ecological evidence to inform a habitat regulations assessment to address the impact of the proposed development on the Thames Estuary and Marshes Ramsar site and Special Protection Area (SPA) or provided a financial contribution towards the identified mitigation measures to address the impact of the development on the SPA/Ramsar site. The proposal is therefore contrary to Policy CS12 of the Gravesham Local Plan Core Strategy (2014) which seeks to ensure that detrimental effects on the integrity of SPA/Ramsar sites are avoided, or mitigated, and is also contrary to Paragraphs 180 and 181 of the National Planning Policy Framework (2023).

Recommendation

Refusal

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

Case Officer:	Mrs Lucy Hankin	Team Leader:	Richard Hart
Signed:		Signed:	
Dated:	13 th November 2023	Dated:	13 th November 2023