



Appeal Decision

Site visit made on 27 August 2019

by David Cliff BA Hons MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd October 2019

Appeal Ref: APP/K2230/W/19/3222403

Anglo Saxons Friendly Society, Anglo Saxon Hall, 2-3 Berkley Road, Gravesend, DA12 2EU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Anglo Saxons Friendly Society against the decision of Gravesham Borough Council.
 - The application Ref 20170619, dated 5 June 2017, was refused by notice dated 20 December 2018.
 - The development proposed is change of use of 3 Berkley Road from office accommodation (B1) to residential (C3) with rear extensions and loft conversion and the conversion of hall to provide office accommodation (B1) with rear extension.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appellant's statement of case explains that amended drawings were submitted on 21 November 2019 prior to the Council's determination of the application. The amended drawings included revisions to the layout and garden of unit 1 along with the proposed rear elevation of the development. The Council has confirmed that these drawings were not formally accepted as part of the application and they have not been included in its list of drawings used to making its decision.
3. The Planning Practice Guidance advises it is at the discretion of the local planning authority whether to accept changes to an application. In its appeal statement the Council makes clear that the amended plans of 21 November 2019 were not formally accepted and states that they should not be considered as part of the appeal. Furthermore, its formal decision notice does not include reference to the amended plans. I have written to the parties for their comments on whether I should take account of the amended plans in my determination of the appeal and have considered the subsequent comments of the appellant in this respect.
4. Although I acknowledge the efforts of the appellant in seeking to put forward an amended scheme and note the correspondence that took place with Council officers, it is usually necessary to determine an appeal on the basis of the plans considered by the Council in making its decision. It is apparent to me that as the revised drawings were not accepted, there has been no formal publicity or consultation carried out upon them. In the interests of fairness to all parties, including those who may wish to comment on a revised proposal, I have

therefore decided that the appeal should proceed on the basis of the plans that were considered by the Council in determining the application. Although no representations from interested parties have been received so far, this does not necessarily mean that no one would wish to comment on the amended plans. Should the appellant wish to pursue any revised scheme then this should be the subject of a fresh planning application to the Council.

Main Issue

5. The main issue is whether the proposal would provide for satisfactory living conditions for future residents of unit 1 within the the proposed development, with particular regard to (i) garden area, (ii) floor area and (iii) outlook and daylight.

Reasons

6. The proposed garden area for Unit 1 would have a depth of just over 5m with a total area of 18.3 sqms. The proposed rear extension would have the effect of reducing the garden area below what otherwise might have been available. This is substantially below the requirements of the Council's SPG2: Residential Layout Guidelines ('SPG2') in seeking a minimum garden depth of 10m and a minimum garden area of 60 sqms for a 3 bedroomed dwelling. Although the proposed garden would offer some limited opportunity for outdoor amenity, the attractiveness of its use would also be constrained by the presence on its rear boundary of the rear wall of the adjacent building. For a 3 bedroomed dwelling, with potentially 4 or more occupants, I consider that the rear garden space would not provide an appropriate level of outdoor amenity for the occupiers. The limited space for outside storage, leisure use, clothes drying and play space would be contrary to the Council's SPG2.
7. The proposed floor area of Unit 1 would measure 77 sqms. This is considerably below the minimum floor area of 90 sqms set out in the Government's Technical housing standards – nationally described space standard (March 2015). A 3 bedroom house of the size proposed might be expected to provide accommodation for 4 or potentially more residents. In terms of individual rooms (one double and two singles), the proposed bedrooms appear to be of a satisfactory size and appear to comply with the individual floor space requirements of SPG2. A separate bathroom in addition to an en-suite is also provided. The Council has not raised specific concerns about the proposed individual room sizes.
8. The proposed ground floor areas have been designed to be open plan and therefore would provide a good overall area, albeit there would no separate rooms at this level. An additional snug room is provided in the basement although the daylight and ceiling height for this appear to be restricted. I have also considered the fact that it can be more difficult to achieve recommended accommodation sizes in conversions rather than new built dwellings. Whilst the floor area is below the minimum set out in the Government's Technical housing standards, in this case on balance, I do not consider that it would result in unacceptable living conditions for future occupiers.
9. The relationship of existing adjacent buildings would have some effects on the level of daylight and outlook for the future occupiers of Unit 1. This would be particularly so in relation to the ground floor rear kitchen extension window that would also provide some light to the open plan dining room. However, the

ground floor living areas would also be lit by the fenestration in the front elevation. At first and second floor levels the impacts are likely to be less due to their elevation. I am satisfied that the level of daylight and outlook from within Unit 1 would not be so compromised to result in unacceptable living conditions for future residents.

10. Although I find that the internal living accommodation would not be of an unacceptable size, and that outlook and daylight would be satisfactory, the proposed rear garden area would be substantially below the recommended standards. It would not provide for satisfactory private outdoor amenity space for the future occupiers of Unit 1 resulting in an unsatisfactory standard of residential accommodation.
11. The proposal would therefore be contrary to policy CS19 of the Gravesham Local Plan Core Strategy (September 2014) which includes the requirement for the design and layout of new residential development to accord with the Council's Residential Layout Guidelines and to provide appropriate levels of private amenity space.
12. I am satisfied that policy CS19 relates to all new development including conversions of existing properties and also not just to larger scale development. There is no text in the wording of the policy which indicates otherwise.

Other matters

13. The site is located within the buffer zone of the Thames Estuary and Marshes Ramsar and Special Protection Area, which is an internationally protected site of biodiversity importance, particular for birds. The increased recreational activity upon this protected site from two new dwellings, in combination with other development, could lead to an increase in disturbance and therefore harm the integrity of the site. The appellant has completed a SAMMS Contribution Agreement letter making provision for a payment of £479.22 towards the cost of measures to mitigate any likely significant effect. In this case, given my conclusion on the main issue, it has not been necessary to consider this matter any further in the context of the Habitats Regulations.
14. Although I acknowledge the appellant's aim to make better use of the existing premises, this does not outweigh the harm arising from the unacceptable rear garden size in this case.
15. Matters raised by the appellant about the manner in which the Council determined the application are procedural matters which if necessary should be raised with the Council away from this appeal.

Conclusion

16. The development conflicts with the development plan considered as a whole. I do not consider that there are material considerations of such weight that suggest that the decision should be taken otherwise than in accordance with the development plan. Therefore, having had regard to all other matters, I conclude that the appeal should be dismissed.

David Cliff

INSPECTOR