



Appeal Decision

Site visit made on 7 July 2020

by Andre Pinto BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 October 2020

Appeal Ref: APP/K2230/W/20/3245026

2 Peacock Street, Gravesend DA12 1EE

- 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 Mr T Toor against the decision of the Gravesham Borough Council.
 - The application Ref 20170245, dated 9 March 2017, was refused by notice dated 7 November 2019.
 - The development proposed is change of use of the first floor storage facility (A1) to residential dwelling (C3) and erection of a second floor with a mansard roof to create 2 no. one-bed flats and 2 no. two-bed flats.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Changes to the Country Planning (Use Classes) Order 1987 have come into force on the 1 September 2020 which have introduced significant changes to the use class system. Consequently, a A1 use, from the 1 September 2020 is classified as a E(a) use. Under the present system, the appeal seeks a change of use from E(a) to C3 Residential Dwelling, which requires planning permission. I have made my decision on this basis.
3. I have updated the description of the development to reflect changes made to the appeal subsequent to its original submission dated 9 March 2017, namely a reduction in the number of proposed flats from five to four, as the studio flat is no longer proposed.
4. Further changes have been made to the original planning application, as confirmed in the appellant's submission dated 7 August 2017. I have also taken these into consideration as part of my decision making process.
5. The Council confirms it cannot demonstrate a deliverable five year supply of land for housing. Consequently, the Council's development plan policies are considered out of date and paragraphs 49 in 14 of the National Planning Policy Framework (the Framework) are engaged. A tilted balance in the presumption in favour of sustainable development therefore applies in line with paragraph 49 of the Framework.

Main Issues

6. The main issues are the effect of the proposed development on:

- The living conditions of future occupiers of the development and the existing and future occupiers of nearby properties, particularly with regard to outlook and privacy; and
- The character and appearance of the area.

Reasons

Living conditions

7. The appeal site is located in a predominantly residential area, part of a terrace along Peacock Street. Backing onto this terrace is another terrace of mainly residential properties fronting on to Wellington Street.
8. The development proposal is for the change of use of the first floor into residential and the erection of a second floor with a mansard roof to create 4 self-contained flats.
9. The proposed mansard roof would back directly onto the rear of 154 and 155 Wellington Street and potentially allow for directly view into these properties causing loss of privacy, not only in relation to their private rear garden space, but also the rooms located on their second floors.
10. In addition, the proposed change of use of the first ground floor could also lead to the overlooking of the private garden space of 3 Peacock Street.
11. In order to mitigate against such potential overlooking, the development proposes that any windows which would face directly into the rear of the properties along Wellington Street are partially obscured as well any windows which would cause overlooking into the rear garden space of 3 Peacock Street.
12. It is also proposed that the second floor of the development would be stepped back from the parapet wall by some distance, therefore minimising loss of privacy in relation to the rear garden space and habitable rooms of 154 and 155 Wellington Street.
13. Nevertheless, although this would address overlooking, it would also significantly hinder outlook from rooms in both flats two and four.
14. As such, the proposal would not create adequate living conditions to future occupiers of flats two and four in terms of outlook.
15. I therefore conclude that the proposed development would have a harmful impact on the living conditions of future occupiers of the development, particularly in terms of outlook. Consequently, it would be contrary to Policies CS19 Gravesham Local Plan Core Strategy (2014) which seeks to ensure that new development safeguards the amenity of its occupants and the National Planning Policy Framework (The Framework).

Character and appearance

16. The appeal site is currently a shop storage facility located in a mainly residential street, interspersed with some commercial development, in close proximity to the intersection of Peacock Street with Milton Road. Although most of the other houses along the terrace are of a similar size and build, the appeal site differs quite considerably, in size, height and appearance, from the rest of

- the terrace. It is significantly larger than the other buildings in the terrace with a taller, more dominant, front.
17. The proposed mansard floor would significantly increase the overall bulk of the existing building and be clearly visible from properties backing onto the appeal site, namely 154 and 155 Wellington Street.
 18. Nevertheless, the proposed extension would not be clearly visible or perceived from the highway, as the mansard roof design would be concealed behind the facade of the front elevation. Consequently, the effect of the proposed extension on the character and appearance of the wider area would be limited.
 19. Furthermore, as the host building already has a contrasting appearance in relation to the rest of the terrace, the proposed addition to the building, while significantly increasing its overall size and bulk, would not be at odds with the currently design or appeal of the site.
 20. The proposed development would therefore not adversely affect the character and appearance of the area. Consequently, I do not find the proposal to be contrary to Policy CS19 of the Gravesham Local Plan Core Strategy (2014) which aims to ensure that new development is visually attractive, fit for purpose and locally distinctive.

Planning balance

21. It is accepted by the Council that it cannot demonstrate a deliverable five year supply of land for housing. In such circumstances, in line with footnote 7 to paragraph 11 d) of the Framework, permission should be granted unless adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
22. The benefits of the proposed development primarily relate to its modest, but nonetheless positive contribution to the housing supply, those associated with the construction process and the spending potential of future occupants.
23. Nevertheless, the Framework does require me to ensure that developments create places that are safe, inclusive and deliver a high standard of amenity for existing and future users. As I have found that the proposal would not provide adequate living conditions for future occupiers in two of the proposed four new residential units, overall and in accordance with paragraph 11 of the Framework, the benefits of the proposal would be comfortably outweighed by the harm identified when assessed against the policies in the Framework as a whole.

Other Matters

24. The appeal site falls within the "Zone of Influence" for the Thames Estuary and Marshes Special Protection Area (SPA), a European protected site.
25. It is anticipated that, without mitigation, new residential developments in this area and of this scale could have a significant effect on the sensitive interest features of these European designated sites, through increased recreational pressure, particularly when considered 'in combination' with other plans and projects.
26. Therefore, by virtue of its protected status, an Appropriate Assessment under the Conservation of Habitats and Species Regulations 2017 (CHSR) would be

required were I minded to allow the appeal. Nevertheless, considering that the appeal is to be dismissed on other issues mentioned in this decision, no further consideration is required on this matter as planning permission is being granted.

Conclusion

27. For the reasons given above, I conclude that the appeal should be dismissed.

Andre Pinto

INSPECTOR