



Appeal Decision

Site visit made on 16 June 2021

by John Felgate BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 21 June 2021

Appeal Ref: APP/K2230/W/20/3261410

137 Barr Road, Gravesend, Kent DA12 4DX

- 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 Olu Olufote against the decision of Gravesham Borough Council.
 - The application Ref 20200050, dated 17 September 2019, was refused by notice dated 17 April 2020.
 - The development proposed is: *"Conversion of C3 dwellinghouse into 3 self-contained units, with the construction of a single-storey rear extension, double-storey rear, side extension, hip-to-gable roof conversion, single-storey outbuilding, minor alterations to front forecourt, and soft landscaping"*.
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Decision

1. The appeal is dismissed.

Main issues

2. From the submissions made, the main issues in the appeal are:
 - whether the proposed development would accord with the aims of the relevant planning policies relating to the provision of family housing;
 - and the development's effects on the character and appearance of the area;

Reasons for decision

Family housing

3. Policy CS14 of the Gravesham Core Strategy (the GCS), adopted in September 2014, states that the conversion of family-sized housing into smaller units will be resisted. The existing property is a 3-bedroomed semi-detached house with a substantial garden. The appellant does not dispute that the house in its existing form is highly suitable for family occupation, nor that its loss would conflict with Policy CS14.
4. The proposed scheme would extend and subdivide the property to create three new units, of which two are shown as having 2 bedrooms, and the third a single bedroom. Based on the definition provided in CS paragraph 5.10.6, the 2-bedroomed units could qualify as family-sized dwellings. In purely quantitative terms therefore, the number of potential family units would be increased. However, size is not the only consideration. For a family in Unit 2, on the first and second floors, access to their allocated private garden area

would be lengthy and circuitous; and much of the garden would be out of sight from within the flat. In the case of Unit 1, very little of the garden, if any, would be visible from the kitchen or living areas. In these aspects, neither of these two larger units would function well as family accommodation, particularly for those with younger children.

5. Consequently, to my mind, no part of the proposed development would fully meet the needs of family occupiers, nor would it properly make up for the loss of the existing dwelling. The scheme therefore conflicts with the aims of Policy CS14.

Character and appearance

6. The appeal property is one of the end units in a terraced block of six dwellings. The block as a whole has a simple, symmetrical design, with a single main hipped roof, and a shallow forward-facing projection at either end, each with its own subordinate hipped roof. This block forms part of a formal arrangement of three such terraces, enclosing a central grassed square, which is distinct from the more conventional linear pattern of the remainder of the street. Although architecturally the style is unremarkable, this combination of a consistent, restrained design and the formalised layout, gives this particular group of properties a pleasing sense of unity and visual harmony.
7. Externally, the proposed scheme would firstly extend the main roof, from its present hipped form, to create a gable end. I appreciate that hip-to-gable roof extensions of this kind are not uncommon, and in many cases are not objectionable. However, in this particular location the effect would be to upset the careful symmetry of the existing roofline, and thus the unity of the group as a whole. As such, even without any of the other alterations that are also proposed, it seems to me that in this case the proposal to alter the roof to form a gable end would be visually damaging.
8. In addition to this, the proposal seeks to alter the roof of the existing forward projection, by extending this part upwards and sideways, to form something akin to a hipped monopitch front extension. This part of the roof would have its own separate ridge, running above and in front of the main ridge, and a gable end matching that proposed for the main roof. In terms of its technical ingenuity, in gaining extra useable roofspace, this element of the design cannot be faulted. But in visual and aesthetic terms, the result would be to add a large amount of additional mass, at high level, forward of the main building, in a form completely at odds with the remainder of the terrace. The effect, to my mind would be incongruous, intrusive and over-dominant, substantially exacerbating the harm that I have already identified.
9. I agree that none of the other proposed extensions or additions to the building would cause undue harm. However, this does not alter my view as to the harm that would result from the proposed alterations affecting the front elevation, at roof level, as described above.
10. For the reasons explained, I conclude that the development would fail to achieve a satisfactory standard of design, or to respect the prevailing character of the surrounding area. As such it would cause harm to the area's character and appearance, contrary to the aims of GCS Policy CS19.

Other matters

Emerging draft local plan

11. The appellant refers to various policies said to be included in an emerging draft local plan document. The Council disputes the status of the document in question, but has not commented further on the contents. I note these submissions.
12. However, it appears the emerging plan is as yet only at an early stage. As such, it carries only limited weight, as draft policies may change, in response to objections and independent examination. And in any event, in so far as the document expresses some support for the conversion of dwellings to flats, this appears to be limited to those with more than six existing habitable rooms, and where the size and arrangement are unsuitable for continued family occupation. There is no suggestion that the appeal property falls within these categories.
13. Overall therefore, I find nothing in these submissions which adds any significant weight in favour of the appeal.

Previous planning history

14. I note that the appeal site benefits, or has benefitted in the past, from a number of previous planning permissions and lawful development certificates, for various different combinations of side and rear extensions and dormer windows. The information provided by both parties regarding these previous proposals is limited. However, based on the evidence before me, I am not aware of anything in these that would support the appeal proposal in the form now proposed.

Cycle parking

15. The Council's Refusal Reason No 4 (RR4) is based on lack of cycle parking. I agree that such provision would be needed. But there seems no reason why space could not be found within the site. The Council has subsequently suggested a condition to this effect, and to my mind the matter could be dealt with adequately in this way.

Bin storage

16. Although not included in the refusal reasons, the Council's officer report also raises an additional concern relating to household refuse bins. In the submitted plans, six large wheelie bins are shown across the front of the building, and I agree that positioning bins in this location would have a seriously detrimental impact, not only on the appearance of the site, but also on the outlook from the living room of Unit 1. A further three bins are suggested in the side passageway, and these would not only be directly outside the front door to Unit 3, but would also be likely to obstruct other occupiers' access to the rear gardens and parking area.
17. There is no evidence that an alternative location could be found which would overcome these issues whilst also satisfying the necessary criteria for refuse collection. In the absence of any further details, this shortcoming gives rise to a further conflict with the detailed design and layout requirements listed in Policy CS19.

Protected habitat

18. The appeal site lies within a 6km radius from the North Kent Marshes, which is designated as a Special Protection Area (SPA) and Ramsar Site. Natural England has advised that, in the absence of any mitigation, residential development within that distance is likely to give rise to significant effects on the protected habitats, due to recreational disturbance of over-wintering bird species. However, the Council accepts that the risk of harm to the protected habitat could be overcome by a contribution to the strategic mitigation scheme which they are currently bringing forward.
19. Although the appellant has not made any commitment to such a contribution, neither has he disputed the point. Had this been the only remaining objection to the development, it seems to me that it would have been reasonable to offer the appellant a further opportunity to consider entering into a legal obligation. However, in view of the conclusions that I have now reached on the other main issues as set out above, this is no longer necessary.

Overall conclusion

20. For the reasons set out above, I find that the proposed development would fail to protect the supply of housing suitable for families, contrary to Policy CS14 of the GCS. The scheme would also have a significant adverse effect on the area's character and appearance, due to its roof design, and would fail to make adequate provision for the storage of household waste bins, conflicting with Policy CS19 in both these latter respects.
21. The development would add to the overall supply of housing, but on the evidence before me, this does not outweigh the conflicts that I have found with the adopted development plan. No other material considerations weighing in favour have been identified or substantiated.
22. In the light of all the above, the appeal fails and is therefore dismissed.

JS Felgate

INSPECTOR