



Appeal Decision

Site visit made on 23 August 2022

by C Shearing BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 October 2022

Appeal Ref: APP/K2230/W/21/3285509

28 Tennyson Walk, Northfleet, Gravesend DA11 8LR

- 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 Lakh Kallar of Kallarview Construction Limited against the decision of Gravesham Borough Council.
 - The application Ref 20210634, dated 15 May 2021, was refused by notice dated 1 October 2021.
 - The development proposed is erection of a single storey rear extension and erection of a new two storey house attached to the side of the existing dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The acceptability of the single storey rear extension to the main house of 28 Tennyson Walk is not disputed by the Council. Based on the evidence, I have no reason to reach a different conclusion and I have excluded this element of the proposal from the main issues below.

Main Issues

3. The main issues are:
 - i) the effect of the proposed new house on the character and appearance of the area;
 - ii) whether the new house would provide an acceptable standard of accommodation for future occupants in terms of the provision of private amenity space, and;
 - iii) the effects of the proposed new house on the Thames Estuary and Marshes Special Protection Area (SPA) and Ramsar Site.

Reasons

Character and Appearance

4. The appeal site is in a predominantly residential area comprising properties of varying scale and character. Generally, the properties on Tennyson Walk are close together, with limited gaps between them. The appeal site sits at the junction with Marconi Road and includes a verdant side garden bound by a low brick wall and hedging. The neighbouring bungalow at 26 Tennyson Walk is similarly set back from the edge of Marconi Road and includes a landscaped

garden and low brick wall. Together these attributes, in combination with the slope of the road, give a particularly open character to this junction and allow long views to the south. Given the limited breaks between the buildings in the area, the visual break and openness at this junction make an important and positive contribution to the character and appearance of the area.

5. The side elevation of 28 Tennyson Walk sits very slightly forward of the front elevations of properties on Marconi Road to the south, although this step is difficult to perceive in views from the street. The continuation of this building line also contributes to the open character surrounding the junction. Despite the retention of a gap between the proposed side elevation and the edge of the footpath, the proposed new house would extend significantly beyond the established building line of Marconi Road. In combination with its height, width and elevated position on raised ground, this would result in the development appearing visually prominent and incongruous to its surroundings, causing harm to the open and verdant character of the immediate area.
6. The detailed design of the new property would broadly respect the existing building, particularly in terms of its scale, roof design and window alignment. While the new property would be narrower than no.28, given the heavily varied character and appearance of properties in the wider area, I do not find that the design or lack of symmetry with no.28 would appear incongruous in this context. However, I do not find that the design mitigates or reduces the harmful impact described above arising from the siting of the development.
7. I saw a variety of extensions and alterations to other properties in the area during my site visit. However, I do not find these to be directly comparable to the appeal scheme and the specific characteristics of the appeal site arising from the combination of its corner plot and raised ground level.
8. I note that the appeal scheme responds to earlier refusals of planning permission for development on the site¹. However, for the reasons given above, I do not find that the appeal scheme overcomes the issues raised in respect of its impact on character and appearance.
9. For the reasons given the proposal would cause harm to the character and appearance of the area. Consequently, it would conflict with Policy CS19 of the Gravesham Local Plan Core Strategy 2014 (the CS) insofar as it requires new development to conserve and enhance the character of the local built environment and integrate well with the surrounding local area. The proposal would also conflict with the design objectives of the National Planning Policy Framework (the Framework) which requires decisions to ensure that developments, among other things, add to the overall quality of the area and are sympathetic to local character.

Standard of Accommodation

10. The Council's Residential Layout Guidelines Supplementary Planning Guidance 1996 with amendments 2020 (the RLG), sets out minimum areas for private amenity space. The required sizes vary according to the number of bedrooms that a new home would have.
11. As a result of the proposed development no.28 would remain as a 4 bedroom house. The supporting plans suggest that its garden area would amount to

¹ References 20200783 and 20201260

105.1sqm, which exceeds the RLG standard. The Council state that the usable area of the garden would, in fact, be less. Even if the Council's calculations were used, the shortfall below the RLG standard would not be significant and the resulting garden area would be adequate for its future occupiers due to its other attributes including its dimensions and orientation.

12. The Council accepts that the proposed garden area for the new house would meet the minimum requirements for a 1-2 bedroom unit in terms of its area and depth. While those requirements would not be met if this was a 3 bedroom house, this is not the development before me and my assessment is based on the supporting plans.
13. For the reasons given, the proposal would provide an acceptable standard of accommodation in terms of its provision of private amenity space for future occupiers. In this regard the development would be compliant with Policy CS19 of the CS and the aims of the RLG insofar as they require appropriate levels of private amenity space. The development would also adhere to the objectives of the Framework insofar as seeks to ensure healthy living conditions.

SPA and Ramsar Site

14. The appeal site lies within 6km of the Thames Estuary and Marshes SPA and Ramsar site which are of international biodiversity importance. These are subject to statutory protection under the Conservation of Habitat and Species Regulations 2017. Since the proposed development would result in a net increase in residential accommodation, impacts to the SPA and Ramsar Site may result from increased recreational disturbance.
15. However, as I am dismissing the appeal on other grounds, in line with paragraph 63(1) of the Regulations, it is not necessary for me to consider the development within the framework of an Appropriate Assessment. As such, this is not a matter which I need to consider further.

Planning Balance

16. The Council accepts that it does not have an up to date 5 year housing land supply. As such the provisions of paragraph 11 of the Framework are relevant to the appeal. The most important policies are deemed to be out of date and 11d)ii) states that I should grant planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Framework as a whole.
17. I have found harm to the character and appearance of the area for the reasons given. The result of this harm would be significant and long lasting, and would result in conflict with the Framework. I ascribe this harm substantial weight.
18. The main parties agree that the Council have a 3.27 year supply of deliverable housing sites and that the delivery of housing has fallen substantially below the housing requirement over the last three years. There is therefore a significant undersupply of homes in the Borough. The proposed development would contribute to the Council's housing stock in a location with good accessibility to certain services and facilities and this weighs in favour of the proposal, all the more so given the current undersupply of homes. However, as a single dwelling, that contribution would be limited. Neither do I have evidence before me that there is an overriding need for housing of this size which would result in this achieving any greater weight. While the proposal would make efficient

use of the land, paragraph 124 of the Framework states that this should take into account the desirability of maintaining an area's prevailing character and setting, and the importance of securing well-designed places. Taking these considerations into account, I ascribe the provision of housing in this case moderate weight.

19. The proposal could achieve biodiversity net gain subject to conditions for landscaping, however in the absence of evidence to substantiate this, and as the proposal would result in development on an existing garden, I afford this benefit limited weight.
20. Even if harm had not been found to the SPA and Ramsar site, this would be a neutral matter and would not weigh in favour of the development.
21. Overall, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.

Conclusion

22. For the reasons given above, the appeal is dismissed.

C Shearing

INSPECTOR