



Appeal Decision

Site visit made on 9 November 2022

by David Smith BA(Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 November 2022

Appeal Ref: APP/K2230/W/22/3297316

Rose Cottage, Milton Road, Gravesend, DA12 2PP

- 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 Ms S Richards against the decision of Gravesend Borough Council.
 - The application Ref 20211377, dated 11 November 2021, was refused by notice dated 3 February 2022.
 - The development proposed is demolition of the existing dwelling and erection of 2 no.3 bedroom and 1 no.2 bedroom terraced dwellings and creation of new vehicle crossovers.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of the existing dwelling and erection of 2 no.3 bedroom and 1 no.2 bedroom terraced dwellings and creation of new vehicle crossovers at Rose Cottage, Milton Road, Gravesend, DA12 2PP in accordance with the terms of the application, Ref 20211377, dated 11 November 2021, subject to the conditions in the schedule.

Preliminary Matters

2. During the application stage, the plans were changed to reduce the number of bedrooms in the middle dwelling and alter the layout of the vehicle crossovers. The Council's decision and this decision are based on those drawings and the revised description above. As part of the appeal, the appellant submitted a further site block plan adjusting the position of the vehicular access onto Copper Beech Close. The original drawings also transposed the notation of the north and south side elevations and this has been corrected. No prejudice would be caused by considering these amended drawings as part of the appeal.

Main Issues

3. These are the effect of the proposed development on:
 - The character and appearance of the surrounding area;
 - Highway safety; and
 - Biodiversity.

Reasons

Character and appearance

4. Rose Cottage dates from the early twentieth century. It is located on a corner plot at the junction of Ellerslie, Donald Biggs Drive and Copper Beech Close

opposite playing fields. The appeal site comprises the dwelling and its garage together with a broad grassed area that is owned by the appellant.

5. Copper Beech Close and Sycamore Close form a small enclave of 2-storey, 1980s properties. These comprise fairly uniform detached dwellings. Ellerslie Court lies immediately to the north which is a 4-storey flatted development. There is terraced housing on the northern side of Milton Road. Therefore, whilst the proposal would be on the edge of and related to the cul-de-sacs, it would also be seen and appreciated within this wider, mixed context.
6. Of itself, there is no objection to a short row of terraced houses in this location as these are common features in residential areas. The proposed units would perpetuate the line of housing along Sycamore Close and would be of similar scale. The depth of development would also be comparable to that in both of the closes. With the exception of 1 Copper Beech Close, the proposed block would be much wider than the individual houses nearby. However, these are generally closely spaced together so that the terrace would not appear out of place alongside them.
7. The Supplementary Planning Document on *Householder Extensions/Alterations* observes that corner plots are highly visible. Although much of the existing grassed area would be lost, an area of open space of 85 sq m would be retained and there would be a separation from the back edge of pavement. Given that there is a wide verge opposite and as Ellerslie Court is set well back, the development would not be cramped and planting could be secured by condition. Whilst prominent, the side elevation would be enlivened by fenestration so that a harsh edge would not be created.
8. Therefore the proposal would integrate well and would not harm the character and appearance of the surrounding area. As such, it would comply with Policy CS19 of the Gravesham Local Plan Core Strategy of 2014 which contains development and design principles.

Highway safety

9. The County Council's guidance recommends that vehicle crossings should be located more than 10m from a road junction in order to avoid the creation of a serious hazard. The revised layout drawing shows that this would be achieved. Furthermore, a condition could be imposed to ensure that any boundary treatment or planting around the corner with Sycamore Close would be low level. Emerging drivers would therefore be able to see any approaching traffic and also be seen by other drivers.
10. As such, there would be no unacceptable impact on highway safety. The position of the access would mitigate the impact on the highway network in line with Policy CS11 of the Local Plan Core Strategy.

Biodiversity

11. The existing grass area previously contained trees which have now been removed. Local Plan Core Strategy Policy CS12 stipulates that there will be no net loss of biodiversity in the Borough. However, there is no evidence that the land currently or previously had any particular biodiversity value. For mown grassland this is likely to be limited. Any planting selected as part of the soft landscaping scheme could be chosen to support wildlife habitats. Whilst there is no detailed information in this respect, the likelihood is that any adverse

consequences for the natural environment could be offset. Consequently there would be no net loss of biodiversity and no conflict with Policy CS12.

Other Matters

12. The proposal would have a likely significant effect on the Thames Estuary and Marshes Special Protection Area (SPA) which supports important numbers of wintering and migrating birds. In combination with other development in Gravesham, an additional dwelling within 6km of the SPA would be liable to have a detrimental impact on the birds due to recreational disturbance.
13. To mitigate this impact, the Council expects that a financial contribution is made towards the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring Strategy. Planning Practice Guidance indicates that any measures used to inform the decision about the effects on integrity need to be sufficiently secured and likely to work in practice. The Council encourages a direct payment and the completion of an agreement form.
14. In this case, the requisite sum has been paid and the document specifies the way the money is to be spent. The Council also agrees to the terms in which the contribution has been made. Furthermore, it is a responsible public body. There is no evidence that sums collected have not been spent on the measures detailed in the Strategy. In these circumstances, I am satisfied that the financial contribution would lead to effective mitigation.
15. In this way harmful effects would be prevented. As a result, following an appropriate assessment, the proposal would not adversely affect the integrity of the SPA. This would accord with the principles of Local Plan Core Strategy Policy CS12 on green infrastructure.
16. The Council cannot demonstrate a five year housing land supply. The latest information is that this is equivalent to 3.27 years. Furthermore, the delivery of housing is substantially below that required by the Housing Delivery Test (less than 75%). The proposed dwellings would be within the urban area not far from the town centre and therefore in a sustainable location as supported by Policy CS02 of the Local Plan Core Strategy.
17. Local residents raise other concerns. A number of these are linked to issues arising from pick up and drop off associated with the nearby school and sports club. However, parking would be provided for each new unit in line with the Council's standards and two additional houses would not generate significant levels of extra traffic. Double yellow lines in the vicinity should deter indiscriminate parking. The relationships with and distances from neighbouring dwellings would ensure no material loss of privacy or light.

Conditions

18. The plans should be specified in the interests of certainty. To ensure a satisfactory appearance, details of external materials and soft and hard landscaping are required. These details are also necessary to minimise surface water run-off. Given that the rear gardens are smaller than others in the surrounding area, the removal of permitted development rights for extensions and outbuildings is justified.
19. To ensure that the development functions properly, details of refuse storage arrangements should be agreed. Given the corner position of the site, the

height of any planting and boundary treatments should be restricted to allow for visibility. Making provision for vehicle charging points is required to promote sustainable transport. There is some evidence that undisturbed archaeology may be present and so a watching brief during construction should be secured.

20. The bathroom windows would face properties in Sycamore Close. As this is a conventional arrangement across a residential street there is no need to require obscure glazing. There is also no need for a condition to obtain the separate approval of the crossovers from the highway authority.

Conclusion

21. There would be no harm to the character and appearance of the area or to highway safety and no net loss of biodiversity. The proposed development would therefore accord with the development plan. Given the current housing supply position in Gravesham and the benefits attached to using suitable sites within existing settlements, other material considerations also favour the proposal. Therefore, for the reasons given, the appeal should succeed.

David Smith

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos 01A, 03C, 04, 05A, 06, 07A, 08A and 09.
- 3) No development above ground level shall take place until details and samples of the external materials and external finishes of the dwellings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), no development falling within Classes A and E in Part 1 of Schedule 2 to that Order shall be carried out.
- 5) None of the dwellings hereby permitted shall be occupied until a scheme of soft landscaping has been submitted to and approved in writing by the local planning authority. The approved scheme shall be carried out within timescales specified by the local planning authority. Any trees or plants that die, are damaged, removed or become diseased within five years of planting shall be replaced with trees or plants of a similar size and species during the next planting season.
- 6) No development above ground level shall take place until details of hard surface treatments, including drainage and any screening by walls, fences or other means have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to the first occupation of any of the dwellings hereby permitted.
- 7) None of the dwellings hereby permitted shall be occupied until details of refuse arrangements have been submitted to and approved in writing by the local planning authority. The details shall include provision for non-recyclable waste, food waste and recyclable waste and security arrangements for the refuse stores. The approved refuse arrangements shall be implemented prior to the first occupation of any of the dwellings hereby permitted and thereafter retained.
- 8) Notwithstanding the provisions of Class A in Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), no planting or means of enclosure located within 2 metres of the site boundary where it adjoins the public highway in Copper Beech Close and Sycamore Close shall exceed 600mm in height.
- 9) An active electric vehicle charging point plus cabling shall be provided for each of the parking spaces hereby permitted. Each charging point should be able to accommodate a useable supply of 7kW, more under surge conditions. The charging points shall be implemented prior to first use of the parking spaces and thereafter retained in working order.
- 10) No development shall take place until an archaeological scheme of investigation has been submitted to and approved in writing by the local

planning authority. The scheme shall detail how and when a watching brief by a qualified archaeologist shall be undertaken so that the groundworks are observed and items of interest and finds recorded. The scheme shall be carried out as approved.