



Appeal Decision

Site visit made on 8 November 2022

by Luke Simpson BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 December 2022

Appeal Ref: APP/K2230/W/21/3287969

Kington House, Old Perry Street, Northfleet, Gravesend DA11 8BU

- 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 R Sanghera against the decision of Gravesham Borough Council.
 - The application Ref 20210925, dated 22 July 2021, was refused by notice dated 15 September 2021.
 - The development proposed is Erection of 2no detached dwellings and alteration of existing vehicular access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has submitted an additional plan as part of this appeal. However, this is a topographical survey which does not alter the scheme as originally considered and consulted on by the Council. As such, I have taken it into account and no party has been prejudiced in this regard.
3. The Council's decision notice appears to refer to the previous version of the National Planning Policy Framework. I have had regard to the revised Framework, which was published before the Council refused the planning application.

Main Issues

4. The main issues are:
 - The effect of the proposed development on the setting of the grade II listed building known as 'Kington House'.
 - Whether the proposed development would provide an acceptable standard of living accommodation, with particular regard to privacy.
 - The effect of the proposed development on the living conditions of the occupiers of neighbouring properties, with particular regard to privacy and access to natural light.

Reasons

Heritage

5. The appeal site includes Kington House and the surrounding land comprising the existing garden, access and parking area. The proposed dwellings would be

located to the rear and side of Kington House. Kington House is a grade II listed building.

6. Under section 66 (1) and section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I am obliged to have special regard to the desirability of preserving the listed building, its setting and any features of special architectural or historic interest.
7. Kington House primarily derives its significance from its grandeur relative to its prominent position on the corner of Vale Road and Old Perry Street. It also derives significance from its early 19th Century architecture, with distinctive features including the prevailing use of red brick, mansard slate roof, large sash windows and pillared entrance. It's position within a relatively large and open plot, in comparison to more densely developed and modern surroundings, contributes to the grandeur of the building and emphasises the distinctive features of the building.
8. The majority of the surrounding development comprises far more modern residential development. However, despite the change in character over the years, as indicated by the historic maps provided by the appellant, the relatively spacious plot of Kington House means that its significance has not been significantly diminished by more modern 20th Century housing development.
9. In contrast, the proposed development would result in two dwellings in far closer proximity to the listed building than those which currently surround it. The siting of the buildings would reduce the spacious grounds, crowding the existing building. Whilst the primary views towards the front of the building would remain unobscured, the setting of the listed building would undoubtedly be altered significantly, with views of the proposed dwellings in conjunction with the listed building possible from the surrounding highway immediately adjacent to the Listed Building.
10. As a result, the proposals would diminish the grandeur and historical significance of the listed building. This harm would be compounded by the design of the proposed dwellings, which would be modern and very unsympathetic to the existing character of Kington House. Indeed, the design of the proposed dwellings would be far more synonymous with the surrounding 20th Century housing. This would not result in a suitable visual transition between the character of the Listed Building and the more modern housing which surrounds it.
11. For these reasons, the proposal would be harmful to the setting and thereby the significance of the Listed Building. This harm would be 'less than substantial' within the meaning of Framework Paragraph 202.
12. The proposed development would therefore conflict with Core Strategy¹ Policies CS19, CS20 and Saved Local Plan² Policy TC2, which seek in part to conserve heritage assets.

¹ Gravesham Local Plan Core Strategy (Adopted September 2014)

² Gravesham Local Plan First Review Saved and Deleted Policies Version (September 2014)

Standard of Accommodation

13. Whilst the eastern flank wall of Unit 1 would be located in relatively close proximity to the rear elevation of Unit 2, the bedroom at first floor in Unit 2 would have a dual aspect. As such, the rear facing window could be conditioned such that it would be a high level window. This would ensure that the privacy of future occupiers of Unit 1 would be safeguarded.
14. Similarly, the first floor (east flank) bedroom window in Unit 1 is in relatively close proximity to the rear elevation of Unit 2. However, given the prospect of the aforementioned planning condition and the ability of boundary treatments to screen the ground floor of Unit 2, there would not be any adverse impact on privacy in this regard.
15. The Council also contend that there would be a loss of privacy to Unit 2 due to the close proximity to neighbouring windows at 4 Old Perry Street (No 4). However, based on my observations during the site visit, combined with the technical evidence submitted by the appellant, I am satisfied that the existing boundary treatment would provide adequate visual screening. As such, the privacy of future occupiers of Unit 2 would be safeguarded.
16. In summary, subject to appropriately worded conditions, the proposed development would provide a satisfactory standard of accommodation for future occupiers. It would therefore comply with Core Strategy Policy CS19, which seeks in part to safeguard the amenity of future occupants of development.
17. It would also comply with Framework Paragraph 130 insofar as it seeks to ensure a high standard of amenity for future users.

Living Conditions

18. With regard to the effect on the occupiers of No 4, for reasons already given I am satisfied that the occupiers of this neighbouring dwelling would not suffer any significant loss of privacy as a result of the proposed development.
19. Unit 1 would have a rear elevation facing towards Marlboro Cottage to the south. This property includes a glazed rear elevation. The proposed development would be between approximately 18 and 19 metres from this rear elevation. Nonetheless, the orientation of the proposed dwelling at Plot 1 and this neighbouring dwelling, would be such that direct views into the neighbouring property would be difficult to obtain. This factor, combined with a relatively long separation distance, is sufficient to ensure that the privacy of occupiers of the property (including when using their rear garden) would not be adversely affected by the development.
20. 90 Vale Road (No 90) is a two-storey neighbouring dwelling located to the west of proposed Unit 1. Unit 1 would border much of the boundary with this neighbouring property. However, the effect on natural light would be limited. This is because it is set back several meters from the neighbouring flank elevation and the neighbouring property would retain predominantly open aspects to the south and west. As such, whilst there may be some effect on natural light, this would unlikely lead to harm to living conditions.

21. No 90 includes a ground floor window in its eastern flank. However, given the offset angle of the proposed front elevation of Unit 1, there would be no significant loss of privacy to the occupiers of this neighbouring dwelling.
22. The Council's reason for refusal also refers to overbearing impacts. However, it is not clear what harm is alleged in this regard. Neither of the proposed units would be particularly prominent or overbearing given their limited scale and sensitive orientation within the appeal site. The rear gable roof of Unit 1 would also reduce the overall scale, bulk and mass of the dwelling when viewed from No 90.
23. For these reasons the proposed development would not be harmful to the living conditions of neighbouring occupiers. The proposed development therefore complies with Core Strategy Policy CS19, which seeks in part to safeguard the amenity of neighbouring occupiers.
24. It would also comply with Framework Paragraph 130 insofar as it seeks to ensure a high standard of amenity for existing users.

Other Matters

25. The Council has referred to the effect of the proposed development on the Thames Estuary and Marshes Special Protection Area and Ramsar Site. However, given that I am dismissing this appeal on other grounds it is not necessary for me to consider the implications of this, nor is it necessary to undertake an appropriate assessment in this instance.

Planning Balance

26. Framework Paragraph 202 requires that less than substantial harm is weighed against the public benefits of a proposal including, where appropriate, securing the heritage asset's optimum viable use.
27. Whilst I have found no harm in relation to the standard of accommodation and neighbouring living conditions, these are both neutral factors in the planning balance.
28. The proposed development would result in a net increase of 2 dwellings. There would be social and economic benefits associated with this, given the increase in the housing stock. At the time that the planning application was refused the Council's Officer Report indicated that the Council could only demonstrate a Housing Land Supply of 3.27 years. Neither main party has provided substantive evidence to indicate a change in this position.
29. As a result of this shortfall, the weight to be afforded to the benefits associated with housing provision is increased. Nonetheless, given that only 2 dwellings are proposed I afford these public benefits only moderate weight.
30. Conversely, the less than substantial harm to the heritage asset (Listed Building) should be afforded great weight, in line with the provisions of Framework Paragraph 199. As a result, the modest public benefits of the proposed development would not outweigh the less than substantial harm to the Listed Building. The development would therefore conflict with the relevant provisions of the Framework in this regard.
31. Framework Paragraph 11D outlines that where the most important policies are out-of-date (as is the case here given the HLS shortfall) permission should be

granted unless (11Di) policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed. In this case, the Framework's heritage policies provide a clear reason for refusing the development and as such the presumption in favour of granting permission at Paragraph 11D is disengaged.

Conclusion

32. The proposed development would conflict with the development plan taken as a whole. There are no other material considerations of sufficient weight which indicate that a decision should be made other than in accordance with the development plan. The appeal is therefore dismissed.

Luke Simpson

INSPECTOR