
Appeal Decision

Site visit made on 24 November 2022

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 January 2023

Appeal Ref: APP/K2230/W/22/3295488

18-22 Queen Street, Gravesend, Kent, DA12 2EE.

- 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 S Basra against the decision of Gravesham Borough Council.
 - The application Ref. 20211111, dated 8 September 2021, was refused by notice dated 15 December 2021.
 - The development proposed is the partial demolition of the existing rear extension, erection of a one and half storey detached building at the rear to accommodate relocation of two demolished flats plus additional 4 x 1 bedroom flats. Infill of existing yard to form enlarged retail unit, extension to rear outrigger of 22 Queens Street to form enlarged first floor flat and a further storey/addition to accommodate a two bedroom flat.
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Decision

1. The appeal is dismissed.

Procedural matter

2. I have used the Council's description of the development proposed as it better covers the proposal as shown on the submitted plans.

Main Issues

3. The main issues are:
 - The effect of the proposal on the character and appearance of the area including the High Street and Queen Street Conservation Area;
 - The effect on the living conditions of future occupiers of the new properties and the occupiers of existing properties around the site;
 - Whether proper provision has been made for the storage and collection of waste; and
 - The effect on the Thames Estuary and Marshes Special Protection Areas (SPAs).

Reasons

Background

4. The appeal site is situated within the commercial centre of Gravesend and the High Street and Queen Street Conservation Area. It lies in a terrace of

buildings fronting Queen Street where there tends to be commercial retail and service units on the ground floor and residential accommodation in the form of flats above. The site itself has three property elements, two of which (No's 18 & 20) are three storeys high and one (No.22) which is two storeys high, with a range of extensions and building forms to the rear leading to an informal and open area which at the time of my visit was unkempt. Land further to the west is the rear gardens of residential properties fronting Berkley Road which lie in the Hammer Street Conservation Area.

5. I note that a previous proposal for similar development on the street frontage but a more intensive residential development to the rear was refused by the Council in 2021 and the current proposal seeks to overcome the reasons for refusal. These were similar to those given on the appeal scheme but included a reason about the effect on the amenity of the occupiers of the properties in Berkely Road.

Policy context

6. At the time when the applications were decided the Council could not demonstrate a five year supply of new housing sites (3.27 year's supply) and that the delivery of housing has been substantially below that required in the Housing Delivery Test (less than 75%). Paragraph 11(d) of the National Planning Policy Framework (the Framework) (sometimes referred to as the 'tilted balance') is therefore engaged in this case, subject to the provisions of 'Footnote 7' applying to that paragraph.
7. In terms of general policy principles it is clear that the site lies in a sustainable location within the town centre and the Council recognises that the site involves previously developed land which the Framework seeks to make effective use of.

Effect on character and appearance

8. The High Street and Queen Street Conservation Area Appraisal sets out the significance of the heritage asset and its historical and architectural development. The Appraisal identifies buildings of local interest, which do not include the appeal site buildings, although No. 18 is classed as a 'positive building' in the Appraisal. The appellant says that No.18 is one of the original three storey terrace of six units, while No. 20 is believed to be a rebuild/refurbishment of a war damaged building. No. 22 is a two storey inter-war replacement.
9. In assessing the effect of the proposal on the local area and the Conservation Area I have taken account of the comments from Design SE, an independent design panel.
10. Dealing with the enlargement of No.22 first, I am satisfied that the proposal to add a further floor to the property with a parapet wall on the frontage would improve the architectural form of the building. It would enhance it in views along Queen Street and in the 'face on' view along Brewhouse Yard. This is subject to details of the materials and fenestration which could be conditioned. In terms of the rationalisation and enlargement to the two flats to the rear of No.22, as far as I could judge from ground level, the modest addition would fit in with the design, bulk and appearance of the adjoining buildings and would not appear out of place in its surroundings.

11. Moving on to the proposal for a new block of 6 flats at the rear two of which would replace existing buildings to be demolished, there is no objection to the demolition proposed as the existing single storey buildings are shabby and their removal would be a positive benefit. Further, in principle redevelopment could also help enhance what appears as a run down and unkept area of garden for the flats leading up to the boundary with the houses in Berkeley Road, however I have concerns about the form and integration of the building put forward.
12. Even taking account of the scale and projection of the retail/storage building adjoining at No. 24, the building proposed would be development in depth up to the eastern boundary of the site. It would project well beyond the grain of the existing buildings and be physically and architecturally materially different to them. The low triple gable units would have a mainly functional form rather than one that responds positively to the site's surroundings. Moreover, three of the flats would rely on an external access via a first floor walkway and the building is shown to be partially sunk below surrounding ground level in order to reduce the effect on the Berkley Road properties. These design solutions are an indication of the scale and intensity of the building having to be manipulated into the site but still resulting in an overdeveloped form.
13. I agree with the comments of the design panel that the proposed rear block would not be sympathetic to the character of the Conservation Area and I find that overall the proposal neither conserves or enhances the character and appearance of the designated heritage asset. As this part of the proposal would harm the character and appearance of the area and not integrate well it conflicts with the requirements of Policies CS19 and CS20 of the Core Strategy. In terms of national policy the proposal conflicts with the guidance to conserve and enhance the historic environment as set out in section 16 of the Framework, although I would assess the harm as 'less than substantial' as described in paragraph 202.

Effect on living conditions

14. This issue is concerned about the effect on the occupiers of the new residential block of six flats proposed and those living in existing properties in Berkley Road.
15. In terms of the residential environment of the 6 flats proposed I note that the Council says that the floorspace of each flat meets the national standards on space. However, as the flats are single aspect each bedroom and bathroom would have no windows for natural light and have only mechanical ventilation. The windows to the front for the living room and kitchen would be relatively limited with the aspect of the lower units restricted by the first floor exterior walkway above and the sunken drop from surrounding land level. Given all of these limitations, together with the lack of daylight in some rooms as mentioned above, I find that the units have not been designed to achieve a reasonable residential environment.
16. In relation to the pedestrian access to the 6 flats I noted at the visit that alleyways to the rear of frontage premises are a regular feature of Queen Street properties. However the alleyway at No.18 seems narrow with little natural light and opportunities for surveillance. This results in a long 'tunnel like' enclosed space for residents to have to use before emerging into the open area and the staircase to the exterior walkway access to the upper level of

flats. This route into the flats does not provide the high quality, beautiful, and well-designed place envisaged in section 12 of the Framework or one which would function well over time.

17. Concerning the relationship with neighbouring properties in Berkley Road, the appellant suggests that the partial lowering of the block of 6 flats below surrounding ground level means that the bulk of the building would not intrude in a vision line taken from the closest windows. This could alleviate any direct loss of light, however the height of the eaves and close proximity to the party boundary would still have an imposing effect on the residential environment of these properties. The position and height of the exterior walkway would also give rise to overlooking of the rear gardens of these houses and cause a loss of privacy from people using it.
18. Overall on this issue for the reasons give above I find that the proposed 6 flats would not result in a reasonable residential environment for the occupiers and the size and position of the building would harm the living conditions of the occupiers of existing properties in Berkley Road, contrary to the provisions of the third bullet point of Policy CS19.

Provision for the storage and collection of waste

19. The Council advises of a particular waste bin storage problem along Queen Street. The submitted site plan shows a bin storage area at the far end of the alleyway but the Council says that more details are necessary of where the bins will be taken for collection and the separation of commercial and residential waste. The appellant submits that this issue can be overcome by redrafting through a condition but it appears to me that the layout of the site, and particularly the long narrow alleyway, does not give scope for a bin collection point close to, but off the pavement. I am therefore not satisfied that the issue can be resolved by a condition and the issue remains outstanding.

The effect on the Special Protection Areas

20. The evidence submitted indicates that the designated sites for nature conservation in the Thames Estuary and Marshes Special Protection Area (SPA) are in an unfavourable ecological state, particularly as a wetland for birds. This is likely to be made worse by additional population in the area arising from new residential development with an increase in recreational pressures. The appeal site lies within the 6Km buffer zone identified in the North Kent Birds Disturbance Report. Accordingly, avoidance and/or mitigation measures as set out in the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring Strategy should form part of the proposals for new residential development.
21. I note that the Appellant has agreed to pay a financial contribution to avoid or mitigate the effects on the SPA and says that this should be in place prior to the determination of the appeal. However there is no formal mechanism before me and I cannot assess if any contribution accords with the guidance on Planning Obligations as set out in paragraph 57 of the Framework. Nevertheless, I am satisfied that if all other aspects of the appeal scheme were acceptable this matter could be addressed by the appellant and Council together, completing an Agreement before a final decision is reached on the appeal.

Planning balance

22. On the main issues I have found that while the parts of the proposal concerning the enlargement of No. 22 are acceptable as the work would preserve and enhance the appearance of the Conservation Area, the development of the 6 flats at the rear would harm it and result in a poor residential environment and harm the living conditions of neighbours.
23. I have paid special attention to the desirability of preserving or enhancing the character or appearance of the area and I acknowledge that the demolition of some shabby extensions and tidying up of this hinterland could improve this area. However, the scale and location of the new building would conflict with the established grain and would not integrate well with the character and surroundings of the site. This harm to the significance of the designated heritage asset amounts to 'less than substantial harm', which has to be weighed against other public benefits, but great weight must be given to the conservation of the heritage asset.
24. The proposal would provide a small amount of additional housing, to help meet the Council's agreed shortage of new housing sites, and in sustainable location involving previously developed land. However, I find that these public benefits do not outweigh the adverse impacts to the character and appearance of the area and the failure to achieve a well-designed place that is respectful of its surroundings and neighbours means that a substantial part of the proposal conflicts with the policies of the Framework and provides clear reason for refusing the development.
25. I have considered whether the other parts of the proposal are severable from the proposed block of 6 flats but find that the whole scheme is interlinked and I cannot deal with the frontage part of the proposal on a separate basis.
26. Overall I conclude that the conflict with national policy and the development plan are not outweighed by other considerations and therefore the appeal should not be allowed. Given this conclusion I do not need to carry out an Appropriate Assessment under the Habitat Regulations.

Conclusion

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

David Murray

INSPECTOR