



Application: 20211085

**TOWN AND COUNTRY PLANNING ACT 1990
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2015 (AS AMENDED)**

NOTIFICATION OF GRANT OF PERMISSION TO DEVELOP LAND

To: **Nithoyakala Santhiapillai
C/O Mr Tony Angeletta
11 Joydens Wood Road
Bexley
DA12 5QF**

TAKE NOTICE that the **GRAVESHAM BOROUGH COUNCIL**, the Local Planning Authority under the Town and Country Planning Acts, has **GRANTED PERMISSION** for development of land situate at:

**23 Frobisher Way
Gravesend
Kent
DA12 4QY**

and being **retention of two storey front extension, porch, rear dormer and summer house; and erection of a single storey rear extension in substitution for the two storey extension permitted under 20200512.** Your application dated 2nd September 2021 is permitted subject to the following:-

1. The development hereby permitted shall be carried out in accordance with the following approved plans:

Application Form - dated 01/09/2021;
Drawing no. KS/01 A - Site Location and Existing and Proposed Block Plans;
Drawing no. KS/02 - Pre-Existing Floor Plans and Elevations;
Drawing no. KS/03 B - Proposed Ground Floor Plan;
Drawing no. KS/04 B - Proposed First Floor Plan;
Drawing no. KS/05 C - Proposed Front Elevation;
Drawing no. KS/06 B - Proposed Side Elevation (facing no.21 Frobisher Way);
Drawing no. KS/07 B - Proposed Rear Elevation;
Drawing no. KS/08 B - Proposed Side Elevation (facing no.25 Frobisher Way);
Drawing no. KS/10 C - Proposed Summer House Plan and North Elevation;
Drawing no. KS/11 C - Proposed Summer House Elevations.

Reason: For the avoidance of doubt and in the interests of proper planning.

2. Notwithstanding the details included on the application form and approved plans the materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing dwelling.

Reason: To ensure a satisfactory visual relationship between the existing and the new development in accordance with Policy CS19 of the Gravesham Local Plan: Core Strategy (September 2014).

3. The windows serving bathrooms in the development hereby approved shall be obscure glazed, to a level at least equal to Level 3 on the Pilkington Scale, and the windows serving bathrooms must be non-openable below a level of 1.7m above the adjacent internal floor level.

Reason: In the interest of neighbouring privacy, in accordance with Gravesham's Local Plan: Core Strategy Policy CS19 (September 2014).

4. Notwithstanding the provisions of Article 3, and Part 1 Classes A and G of Schedule 2 to the Town and Country Planning (General Permitted Development)(England) Order 2015, as amended, or any provision equivalent to those Classes in any statutory instrument revoking and re-enacting that Order, with or without modification, no window, door or other form of opening shall be formed in either flank elevation of the extensions or summerhouse hereby permitted. For the purposes of this condition openings shall include chimneys, flues and the insertion of cover holes for flue extracts.

Reason: In order to protect the amenity and privacy of the occupants of the neighbouring properties in accordance with Policy CS19 of Gravesham's Local Plan: Core Strategy (September 2014).

5. The summerhouse hereby permitted shown annotated on 'Drawing nos. KS/10C and KS/11C' shall be used only for purposes ordinarily incidental to the main dwelling of 23 Frobisher Way and for no other purpose. For the avoidance of doubt the outbuilding shall not at any time contain any primary living accommodation or be sold, parted, let or exchanged as a separate unit of living accommodation and no trade or business shall be carried on therefrom.

Reason: To enable the Local Planning Authority to retain control over the development of the site in accordance with Policy CS01 and CS19 of the Gravesham Local Plan: Core Strategy (September 2014).

6. Notwithstanding the provisions of Part 2, Class A of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any provision equivalent to those classes in any Order revoking or re-enacting that Order) no gate, fence or other means of enclosure shall be erected or constructed on the site which would have the effect of subdividing the existing residential curtilage.

Reason: To safeguard against subdivision of the existing single residential curtilage that would facilitate independent occupation of the extension, as a separate unit of accommodation would be inappropriate on this site, in accordance with Policies CS02 and CS19 of Gravesham's Local Plan Core Strategy (September 2014).

INFORMATIVES:-

1 STATEMENT OF POSITIVE AND PROACTIVE APPROACH TO DECISION-MAKING

In accordance with Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), and paragraph 38 of the National Planning Policy Framework (NPPF) 2021, the Local Planning Authority has approached the assessment and determination of this application in a positive and creative way and, where appropriate, has worked pro-actively with the applicant to secure a development that is sustainable and that improves the economic, social and environmental conditions of the area, and that is in accordance with the Development Plan for the area.

2 BUILDING REGULATIONS AND PARTY WALL ACT

This decision DOES NOT imply any consent which may be required under the Building Regulations or under any other enactment or provision. Nor does it override any private rights which any person may have relating to the land affected by this decision, including the provisions of the Party Wall etc. Act 1996.

3 DEVIATION FROM APPROVED PLANS

It is possible that any proposed deviation from the approved plans could be classed as a 'material' change requiring a further application/permission. In the event that any change is proposed, applicants are advised to seek advice from the Local Planning Authority [as proceeding without the necessary permissions could nullify this permission].

4 WORKS OF CONSTRUCTION

Hours of work of construction site plant, equipment and machinery, should be restricted to not earlier than 7.00 a.m. and not later than 6.00 p.m. weekdays and Saturday working should be restricted to not earlier than 8.00a.m. and not later than 1.00 p.m. No work shall be carried out on Sundays, Bank or Public Holidays.

- i. Suitable sound attenuation shall be used at all times in respect of all plant, machinery and equipment in operation on site in order to aid prevention of noise nuisance. Compliance with BS 5228: Part 1: 1984 and subsequent amendments regarding the use of equipment on site will be required in appropriate cases.
- ii. A suitable method of control shall be used in order to aid prevention of dust nuisance arising from work activities on site.
- iii. Burning of waste materials shall not be carried out on site. Such materials are to be stored in a suitable receptacle, as far from residential accommodation as reasonably practicable, pending disposal off site.
- iv. Adequate arrangements shall be made to remove all waste material from the site on a regular basis and to dispose of it at a suitably licensed waste disposal site.

Dated: 21 December 2021

Civic Centre
Windmill Street
Gravesend
Kent
DA12 1AU

Wendy Lane MRTPI
Assistant Director (Planning)
Planning Service

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### NOTIFICATION TO APPLICANT

### APPEALS TO THE SECRETARY OF STATE

- If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.
- If this is a **householder application\*** which has been refused and you want to appeal against your Local Planning Authority's decision then you must do so within **12 weeks of the date of this notice**.

- For all other applications, refused or permitted, if you want to appeal against your Local Planning Authority's decision then you must do so within 6 months of the date of this notice.
- **Appeals must be made using a form which you can obtain from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN; telephone: 0303 444 5000; email: enquiries@pins.gsi.gov.uk or online at [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs).**
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

### **\*Householder applications**

These are:

- applications for planning permission for development of an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse, or
- an application for any consent, agreement or approval required by or under a planning permission, development order or local development order in relation to such development

but does **not** include –

- an application for change of use;
- an application to change the number of dwellings in a building.

### **PURCHASE NOTICES**

If either the Local Planning Authority or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that he/she can neither put the land to a reasonably beneficial use in its existing state nor can he/she render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

### **COMPENSATION**

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.

These circumstances are set out in Sections 114 and related provisions of the Town and Country Planning Act 1990.