



Application: 20230545

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

NOTIFICATION OF REFUSAL OF PERMISSION TO DEVELOP LAND
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To: **Mr Avtar Singh, Toor**
C/O Mr Shailender Nagpal, Design And Plan Consultants Ltd
93 Cotmandene Crescent
Orpington
Kent
BR5 2RA

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

Upper Floors
151 Milton Road
Gravesend
Kent

and being **Erection of part single storey rear extension at first level to form 1no. one-bedroom self-contained flat.** Your application dated 23rd May 2023 is refused on the following grounds:-

1. The proposed extension by virtue of its scale and design would be an overly dominant addition that would not be subservient or in keeping with the scale or character of the host building and would therefore be harmful to it. As such the proposal would be Policy CS19 (LPCS). As such the proposal is contrary to Policies CS19 and CS20 of the Gravesham Local Plan Core Strategy (September 2014), saved Policy TC3 of the Gravesham Local Plan First Review (1994) and sections 12 and 16 of the National Planning Policy Framework (2021).
2. The proposed development by virtue of the extremely poor sunlight and daylight, outlook and privacy that occupiers of both the existing and proposed flats would experience, the existing flats which are to be altered being undersized, as well as the lack of information to demonstrate that future occupiers would be protected from poor air quality and noise and odour sources means it result in extremely poor living conditions and standard of amenity and privacy for future occupiers and in this regard the proposal would be contrary to Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014).
3. The proposed extension by virtue of its size, design and proximity to neighbouring dwellings would cause overlooking to several neighbouring properties which would be harmful to their privacy and amenity and would generally be an unneighbourly and overbearing form of development to several neighbouring buildings. As such the proposal is contrary to Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014).

4. The applicant has failed to provide any ecological evidence to inform a habitat regulations assessment covering the impact of the development on the SPA/Ramsar site or offered a financial contribution towards mitigation measures to address the impact of the development on the SPA/Ramsar site. The proposal is therefore contrary to Policy CS12 of the Gravesham Local Plan Core Strategy (September 2014) and paragraphs 180 and 181 of the National Planning Policy Framework (2021).

INFORMATIVES:-

1 DECISION PLANS

For the avoidance of doubt, the forms, plans and documents upon which this decision is made comprise:

- o Application form;
- o Drawing no. 01 - Existing Floor Plans;
- o Drawing no. 02 Rev. A - Existing Floor Plans;
- o Drawing no. 03 - Existing Elevations;
- o Drawing no. 04 - Existing Elevations;
- o Drawing no. 05 - Proposed Floor Plans;
- o Drawing no. 06 - Proposed Floor Plans;
- o Drawing no. 07 - Proposed Elevations;
- o Drawing no. 08 - Proposed Elevations
- o Design & Access Statement; and
- o Heritage Impact Statement.

2 STATEMENT OF POSITIVE AND PROACTIVE

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 manner. In this instance the application is not in accordance with the Development Plan for the area and cannot be supported.

Dated: 18 July 2023

Civic Centre
Windmill Street
Gravesend
Kent
DA12 1AU

Wendy Lane MRTPI
Assistant Director (Planning)
Planning Service

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.

- **For further information regarding Appeals and to make an application please click the relevant link:**
<https://www.gov.uk/appeal-householder-planning-decision>
<https://www.gov.uk/appeal-planning-decision>
- 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:

- (a) 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
- (b) 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 –

- (i) an application for change of use;
- (ii) 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.