

Delegated Report

Householder Planning Application

Planning Application No: 20240779

Location: 402 Wrotham Road Gravesend Kent DA11 7PF

Description: Formation of parking area in front garden.

Applicant: Mr Hugh Johnson

Site Visit Date: 19 September 2024

Submitted Documents/Plans

Householder Application for Planning Permission form;
Drawing ref. Sheet 1 Red line site boundary plan;
Drawing ref. Sheet 2 Existing block plan;
Drawing ref. Sheet 3 Proposed block plan;
Drawing ref. Sheet 4 Existing layout plan;
Drawing ref. Sheet 5 Proposed layout plan; and
Details of works.

Relevant Planning History

None.

Development Plan

Gravesham Local Plan Core Strategy (2014)

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS11 – Transport
- CS12 – Green Infrastructure
- CS18 – Climate Change
- CS19 – Development & Design Principles
- CS20 – Heritage and the Historic Environment

Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards
- T1 – Impact of Development on Highway Network
- T5 – Access to the Identified Highway Network
- TC7 – Other Archaeological Sites

Paragraph 33 of the NPPF (2023) sets out that policies within adopted local plans should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. Such reviews are also a legal requirement as set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012.

The Council undertook such a review in September 2019 and found that the adopted Local Plan Core

Strategy is in need of a partial review in terms of Policy CS02, due to the increased need for housing since the Local Plan Core Strategy was adopted and the need to ensure that a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) generally conform with the NPPF (2023), the Council will also seek to replace these.

National Planning Policy Framework (2023)

- Section 2 – Achieving Sustainable Development
- Section 9 – Promoting Sustainable Transport
- Section 12 – Achieving Well-Designed and Beautiful Places

Supplementary Planning Guidance

- SPG 2 – Residential layout guidelines including Housing Standards Policy Statement October 2015 Adopted 1996 – amended June 2020
- SPG 4 – KCC Parking Standards (2006)
- Gravesham Householder Extensions/Alterations Design Guide (2021)
- Design for Gravesham – Design Code (2024)

Other Relevant Guidance

- Kent County Council Dropped Kerb Guidance and Self-Assessment (2023)
- Gravesham Driveway Dropped Kerb Guidance (Informal Guidance) (2023)
- Gravesham Front Driveway Design Guidance (Informal Guidance) (2023)

Consultations, Publicity and Representations

Kent Highways and Transportation

The application proposes the formation of a parking area in the front garden of the property, a dropped kerb cannot be formed to directly access the parking due to the location of a tree on the footway.

It is proposed that access to the parking spaces will be via the neighbouring dropped kerbs. The Vehicle Crossing Guidance 2013 states that the parking space must be at a right angle to the highway with the vehicle able to enter and exit the property in one movement. There must be no adjusting movements of a vehicle made on the highway when entering or exiting the property.

A cycle route joins the footway directly in front of the proposed parking area and street furniture sits in front of the property, both of which will impact the movement on and off the property.

Consequently, I refer to the above planning application and I recommend that this application be refused on highway grounds for the following reason:-

- The proposed parking area cannot be accessed in one movement and there is potential for conflict with other users of the highway and footway.

It is important to note that Local Planning Authority (LPA) permission does not convey any approval to carry out works on or affecting the public highway.

Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because LPA planning permission has been granted.

For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture or landscape assets such as grass, shrubs and trees, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

Across the county there are pieces of land next to private homes and gardens and near the highway that do not look like roads or pavements but are actually part of the public highway.

Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil.

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a pre-application advice service in addition to a full formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. Further details are available on our website below:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissions-and-technical-guidance>.

This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process. Further details on this are available on our website below:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/apply-for-a-dropped-kerb/dropped-kerb-contractor-information>

Once planning approval for any development has been granted by the LPA, it is the responsibility of the applicant to ensure that before development commences, all necessary highway approvals and consents have been obtained, and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority.

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Further guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissions-and-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181.

Neighbouring properties

The application was publicised by a site notice and to six neighbouring properties by letter. No representations have been received.

Officer's Analysis

Design, Character and Appearance

Paragraph 135 of the National Planning Policy Framework 2023 (NPPF 2023) sets out various design requirements and includes the need for the development to add to the overall quality of an area; be visually attractive; and be sympathetic to local character, including the surrounding built environment. Paragraph 139 of the NPPF 2023 states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

Policy CS19 of the Gravesham Local Plan Core Strategy September 2014 sets out that new development will be visually attractive, fit for purpose and locally distinctive. It should conserve and enhance the character of the built environment and take account of the scale, height, building lines and other architectural features of buildings. Account should also be taken of strategic views, site topography, the significance of heritage assets and features of townscape and landscape value which contribute to local

character and sense of place.

Relevant considerations in the Householder Extensions/Alterations Design Guide (2021) and the GBC Front Driveway Guidance 2023 are that;

- Hardstanding should be proportionate to the size of the dwelling and the relevant car parking standards and avoid paving over a significant amount of the forecourt.
- Soft landscaped planted border along all boundaries should be provided in all spaces not specifically defined as parking or turning spaces.
- Allow sufficient space between the car and the dwelling to allow access to the front door and side of the property.
- Must be designed to avoid cars overhanging the pavement.
- Avoid removing any existing trees or established hedges and introduce new planting wherever possible.
- Introduce permeable paving to new areas of hardstanding to minimise rainwater run-off issues.
- There should be no water run-off from the forecourt onto the public highway.
- Pedestrian and vehicle visibility splays should be provided.

The application property is a two storey, semi-detached dwelling located on the eastern side of Wrotham Road. The site frontage is raised slightly above the height of the adjacent footway and is mainly laid to grass, with some vegetation. There is a low wooden fence on the front boundary. A street tree, signpost and cycle path are located immediately in front of the property;



Photograph taken 19 September 2024

Properties in the surrounding area have a variety of front garden arrangements, including brick boundary walls, planting and block paving. Both neighbouring properties have block paved driveways with dropped kerbs. However, the typical arrangement in the road is an area of block paved parking with a partial front boundary wall, softened by planting, which is a positive feature of the street scene and which contributes to visual amenity.

The proposed development would result in the formation of a concrete surfaced parking area with dimensions of 5.4 metres (width) by 5.8 to 6.2 metres (length). The parking area would be accessed via an existing dropped kerb at no. 404 Wrotham Road. The front and one side fence, an existing hedge, various plants and a grassed area would be removed.

The proposal would result in the loss of the entire front boundary treatment at the application site, which would lead to an open frontage, partially covered with a harsh, non-permeable surfacing material. As such,

the proposal would be detrimental to the character and appearance of the application property and the surrounding street scene.

The negative impact of an entirely open frontage is best illustrated by nos. 398 and 400 Wrotham Road (image below), where their entirely open, front gardens has resulted in a loss of enclosure and greenery for these properties. If the application property were also to be entirely open, this adverse visual impact would be exacerbated.



The proposed development would result in the loss of existing planting, including an established hedgerow, which would undermine the verdant nature of the site frontage. It is not clear whether the areas to the side and rear of the proposed parking area would be landscaped, but such details could be required via a condition attached to any planning permission granted.

Overall, it is considered that the proposed development would undermine the verdant and enclosed nature of the site frontage and would be surfaced in a harsh, impermeable material, to the detriment of visual amenity. As such, the proposal would be detrimental to the character and appearance of the application property, to the visual amenities of the surrounding street scene and be contrary to Policy CS19 of the Gravesham Local Plan Core Strategy (2014), to paragraph 135 of the NPPF 2023, to the Householder Extensions/Alterations Design Guide (2021) and to the GBC Front Driveway Guidance 2023.

Amenity of Future Occupiers

The proposed development would not impact upon the private amenity space or internal layout of the application property and would not adversely impact on the privacy, daylight or sunlight of its occupants. As such, the proposal would not be detrimental to the amenity of future occupiers and would be in line with Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014).

Neighbouring Amenity

Due to the design of the proposed development and to the layout and orientation of the surrounding properties, there would be no adverse overshadowing or overbearing impacts to the occupiers of the surrounding dwellings. As such, the proposed development would not be detrimental to the residential amenity of surrounding occupiers and would be in line with Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014).

Parking and Highways

Paragraph 114(b) of the NPPF 2023 requires new development to ensure that safe and suitable access can be achieved for all users and paragraph 115 sets out that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety.

Policy CS11 of the Gravesham Local Plan Core Strategy (2014) requires new development to mitigate its impact on the highway and public transport networks and to provide sufficient parking in accordance with

adopted parking standards.

Saved Policy T1 of the Gravesham Local Plan First Review (1994) sets out that the impact on the transport system and environment of traffic generated by new development will be considered and Saved Policy T5 requires new accesses to be in an acceptable location and to an acceptable standard and to not give rise to danger.

According to the KCC Residential Dropped Kerb Guidance and Self-Assessment 2023, parking spaces located perpendicular to the roadway should be a minimum of 2.4 metres (width) by 4.8 or 6 metres (depth). Six metres depth would be required if the space is in front of an access door or garage. To ensure pedestrian safety, driveway design should incorporate 2 metres x 2 metres pedestrian visibility splays on either side, where there can be no obstruction in excess of 0.6 metres height. The proposed frontage parking area would meet these size and visibility requirements and therefore could accommodate two vehicles.

The Gravesham Driveway Dropped Kerb Guidance (2023) states that 'permission for a dropped kerb is necessary to ensure that works are constructed correctly taking into consideration the safety of other road users, the pavement, and any services; street trees, pipes and cables that are buried beneath it.'

It is noted that the proposed development does not include the installation of a dropped kerb, as it is proposed to use an existing dropped kerb at no. 404 Wrotham Road for access instead. Notwithstanding this, it is still necessary to consider the appropriateness of the method of access to the proposed parking area, for the reasons set out above.

A street tree, signpost and cycle path are located immediately in front of the property. The tree and signpost would restrict vehicle access to the site frontage and result in vehicles having to make multiple manoeuvres to access the proposed parking area. Furthermore, the close proximity of the cycle path would lead to an increased potential for conflicts between cyclists and vehicles accessing the proposed parking area. Indeed, KCC Highways and Transportation have raised an objection to the proposed development because the proposed parking area cannot be accessed in one movement and because there is potential for conflict with other users of the highway and footway.

In seeking to minimise the impact of drainage from new development on waste water systems, Policy CS18 of the Gravesham Local Plan Core Strategy (2014) requires that surface water run-off from all new development has, as a minimum, no greater adverse impact than the existing use.

The Householder Extensions/Alterations Design Guide (2021) and the GBC Front Driveway Guidance 2023 require new frontage parking to introduce permeable paving in order to minimise rainwater run-off issues and state that there should be no water run-off from the forecourt onto the public highway.

The proposed parking area would be surfaced in concrete, which is not permeable. Furthermore, no details of any proposed drainage arrangements have been provided. Therefore, the proposal would lead to adverse surface water run-off, which would be detrimental to the public highway and waste water systems.

Overall, the proposed development would make insufficient provision for safe ingress and egress to and from the application site, leading to drivers presenting dangers to passing vehicles, cycles and pedestrians. The proposal would also lead to surface water run-off, which would adversely affect the public highway and waste water systems. As such, the proposal would be detrimental to highway safety and surface water drainage and be contrary to Policies CS11 and CS18 of the Gravesham Local Plan Core Strategy (2014), to Saved Policies T1 and T5 of the Gravesham Local Plan First Review (1994), to paragraph 114(b) of the NPPF 2023, to the Householder Extensions/Alterations Design Guide (2021), to the GBC Front Driveway Guidance 2023 and to the Gravesham Driveway Dropped Kerb Guidance (2023).

Biodiversity

Biodiversity Net Gain (BNG) is a mandatory requirement for all new development and proposals must deliver a BNG of at least 10% unless they are exempt. In this instance, the proposed development is a

householder proposal and therefore is exempt from BNG.

Notwithstanding the BNG exemption, biodiversity is an important consideration in all new development. Policy CS12 of the Gravesham Local Plan Core Strategy (2014) states that there will be no net loss of biodiversity in the Borough and that opportunities to enhance, restore, re-create and maintain habitats will be sought, in particular within Biodiversity Opportunity Areas and within new development.

The proposed development would result in the loss of some planting from the site frontage, which would be detrimental to biodiversity but due to space being available for landscaping, it is considered that any adverse impacts can be mitigated via a landscaping condition attached to any planning permission granted. As such, the proposal would be in line with Policy CS12 of the Gravesham Local Plan Core Strategy (2014).

Any Other Material Planning Considerations

The application site is located within an area of multi-period archaeological potential, Groundwater Source Protection Zone 2 and in close proximity to a gas pipeline (along the site frontage). However, as the proposed development is within the confines of an existing residential garden and only a relatively small amount of groundworks would occur, then it is considered that there would be no adverse impacts to archaeology, groundwater or gas infrastructure. As such, the proposal would be in line with Policies CS19 and CS20 of the Gravesham Local Plan Core Strategy (September 2014) and Saved Policy TC7 of the Gravesham Local Plan First Review November 1994. The applicant should be made aware of the gas pipeline via an informative on any planning permission granted.

Conclusion

The proposed development would have no adverse impacts on residential amenity, biodiversity groundwater, archaeology or gas infrastructure. However, the proposal would be out of character with the application property and its surroundings and be detrimental to highway safety and surface water drainage.

Overall, it is considered that the adverse impacts of the proposed development attract significant weight and would significantly and demonstrably outweigh the benefits of the proposal. Therefore, following a thorough assessment of the application and all material planning considerations, it is considered that the proposed development cannot be supported.

Recommendation

That planning permission should be refused on the following grounds;

1. The proposed development would make insufficient provision for safe ingress and egress to and from the application site, leading to drivers presenting dangers to passing vehicles, cycles and pedestrians. The proposal would also lead to surface water run-off, which would adversely affect the public highway and waste water systems. As such, the proposed development would be detrimental to highway safety and surface water drainage and be contrary to Policies CS11 and CS18 of the Gravesham Local Plan Core Strategy (2014), to Saved Policies T1 and T5 of the Gravesham Local Plan First Review (1994), to paragraph 114(b) of the National Planning Policy Framework 2023, to the Householder Extensions/Alterations Design Guide (2021), to the GBC Front Driveway Guidance 2023 and to the Gravesham Driveway Dropped Kerb Guidance (2023).
2. The proposed development would undermine the verdant and enclosed nature of the site frontage and would be surfaced in a harsh, impermeable material, to the detriment of visual amenity. As such, the proposal would be detrimental to the character and appearance of the application property, to the visual amenities of the surrounding street scene and be contrary to Policy CS19 of the Gravesham Local Plan Core Strategy (2014), to paragraph 135 of the National Planning Policy Framework 2023, to the Householder Extensions/Alterations Design Guide (2021) and to the GBC Front Driveway Guidance 2023.

(For detailed reasons for refusal and informatives, see draft Decision)

Case Officer:	Mrs Kelly Joyce	Team Leader:	Richard Hart
Signed:		Signed:	
Dated:	30th October 2024	Dated:	30 th September 2024