



Delegated Report

Planning Application

Application no: 20220445

Location: 156 Wrotham Road Gravesend Kent DA11 7LB

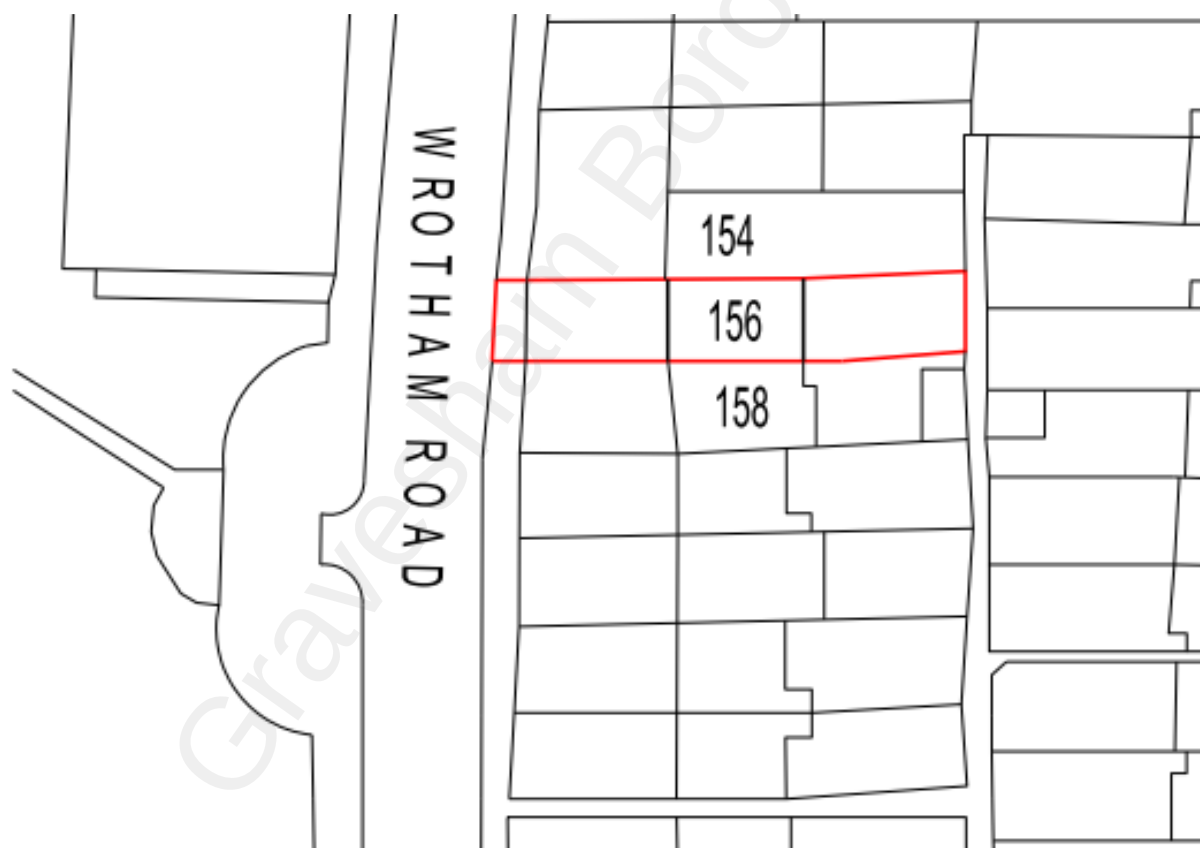
Description: Creation of a vehicular access and hardstanding to frontage

Applicant: Mr S Singh, MDK Global Limited

Site Visit Date: 17 May 2022

Description of the Application Site and Surroundings

The application property is a mid-terraced bay fronted 1930's two-storey dwelling on the east side of Wrotham Road Gravesend opposite the entrance into Woodlands Park. It is shown in the extract below from the applicants submitted site plan.



The dwelling is rendered externally, and it has a tiled roof.

The dwelling is currently unoccupied, and work is currently taking place in connection with the refurbishment of the dwelling.



The front garden wall has been demolished and a vehicle is being parked on the front garden. At the time of the case officer site visit the front garden was covered by building debris and a skip was placed on the site. This work took place to remove the wall about early April 2022.

Prior to the current works there was a low rendered and painted brick/block wall with double pedestrian gates and with a pathway to the front door, but the majority of the front garden was lawned with flower beds. This is shown in the Google Earth image below, dating from August 2017



Wrotham Road is an 'A' class classified highway (the A227) and a principal distributor route and a main transport route into Gravesend town centre connecting the town centre with the A2 trunk road at the Tollgate and with a continuation southward to villages in the Gravesham rural area and beyond to Borough Green and Tonbridge. It is a busy suburban route with 30mph speed restrictions, and it is also a bus route.

This part of Wrotham Road is within a permit parking area (Zone TC05) where there is restricted parking Monday to Friday 1-2pm and there are double yellow lines on the east side of Wrotham Road running from 178 Wrotham Road up to the traffic light junction with New House Lane and Cross Lane West. There is a 1.8m wide footway outside the site in Wrotham Road.

Planning History

There is no planning history relating to this property.

Proposal

This planning application proposes the creation of a vehicular access and hardstanding to the frontage.

Submitted Plans and Documents

Application Form and Certificates

Drawing No SH01: Site Location Plan

Drawing No SB02: Existing and Proposed Site Block Plans

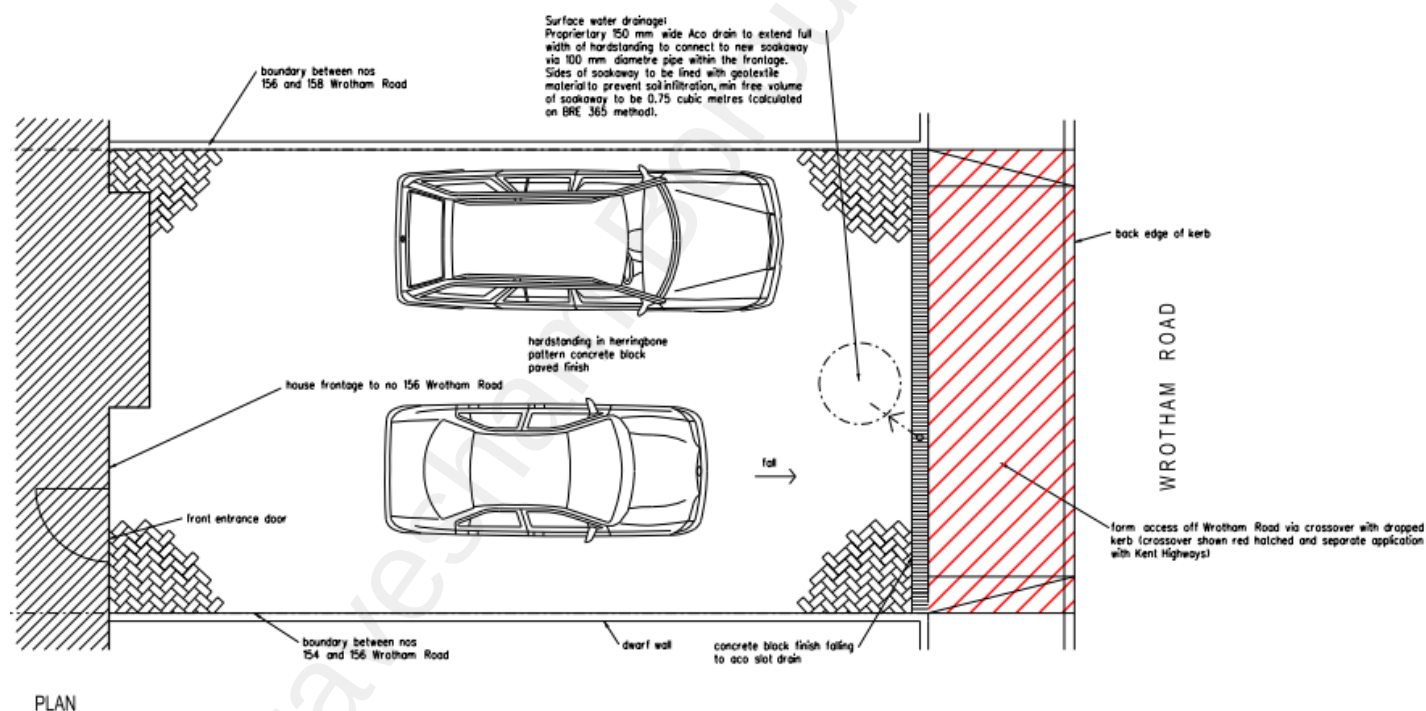
Drawing No SH03: Existing Frontage Plan and Elevation

Drawing No SH04: Proposed Frontage Plan and Elevation

Details of the Development

The proposals shown in the submitted drawings are for a full hardstanding/hard surfacing of the whole of the front garden, in concrete block paving, with a completely open frontage and a full width (5.7m) dropped kerb (vehicle crossover) and with parking for two cars on the frontage.

The proposed layout plan is shown below



No pedestrian or vehicle visibility splays are shown on the submitted drawing.

Development Plan and other related Planning Policies and Guidance

The Development Plan for Gravesham currently comprises:

- *The Gravesham Local Plan Core Strategy and Policies Map (September 2014)*
- *Remaining Saved Policies in the Gravesham Local Plan First Review (November 1994), and*
- *The Kent Minerals and Waste Local Plan 2013 - 2030 (July 2016, revised 2020)*

Gravesham Local Plan Core Strategy, September 2014

The Core Strategy sets out the Council's spatial vision and strategic objectives for the Borough to 2028 and the policies that will deliver them. It identifies the main areas where major change is likely to take place and allocates sites which are key to achieving the strategy.

The application site is shown as being within the **urban area** (Policy CS02), in the Gravesham Local Plan Core Strategy Policies Map. Wrotham Road is a **primary distributor** in the highway network (saved policies T1-T5)

The following development plan policies in the Gravesham Local Plan Core Strategy are of relevance to this planning application:

Core Strategy Policy CS01: Sustainable Development
Core Strategy Policy CS02: Scale and Distribution of Development
Core Strategy Policy CS11: Transport
Core Strategy Policy CS12: Green Infrastructure
Core Strategy Policy CS18: Climate Change
Core Strategy Policy CS19: Development and Design Principles

Gravesham Local Plan First Review 1994

The Gravesham Local Plan First Review was originally adopted in November 1994. The following remaining saved policies are relevant to the consideration of this proposal:

Policy T1: Impact of Development on the Highway Network
Policy T2: Primary and District Road Network
Policy T5: New Accesses onto Highway Network
Policy P3: Vehicle Parking Standards

Review of Local Plan

Paragraph 33 of the NPPF (2021) sets out those 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 the review 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 a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) generally conform with the National Planning Policy Framework (2021), the Council will also seek to replace these.

Gravesham Local Plan Regulation 18 Stage 2 Consultation Part 2: Draft Development Management Policies Document October 2020

The Council published in 2020 a Regulation 18 (stage 2) consultation on its proposed Development Management Policies Document, replacing the 2018 Stage 1 version, which will in due course form part of and update the Gravesham Local Plan. Under paragraph 48 of the NPPF, policies in this document may be accorded weight in the decision-making process with this varying according to its stage of preparation; the extent to which there are unresolved objections; and the degree of consistency of policy with those in the Framework.

As the Development Management Policies Document is at an early stage and the fact that the consultation has only recently concluded, the policies therein should, at this stage, be given very limited weight. It should be noted, in any event, that many of the relevant policies reflect those set out in the Framework and for the purposes of this planning application these should be relied on instead.

The following draft policies from the Regulation 18 (Stage 2) Development Management Policies Document (2020) show the direction of travel the Council is going and are considered as being relevant to the consideration of this application albeit the weight that these emerging policies may be accorded at this stage is very limited.

Proposed Policy INF 2: Transport Design Principles
Proposed Policy INF 3: Understanding and Mitigating Transport Impacts
Proposed Policy INF 4: New Accesses and Junctions
Proposed Policy INF 5: Electric Vehicle Charging Points
Proposed Policy GI 6: Biodiversity

National Planning Policy Guidance

The National Planning Policy Framework (NPPF)

The following paragraphs in the National Planning Policy Framework (NPPF) July 2021 are specifically highlighted as being of importance to the consideration of the application proposals, but it should not be taken that these are the only parts of the NPPF that need to be considered. Reference to the national planning guidance is also considered in the analysis section of this report.

Section 2, Paragraphs 7 - 14: Achieving sustainable development
Section 4, Paragraphs 38 - 59: Decision Making
Section 9, Paragraphs 104 - 113: Promoting Sustainable Transport
Section 12, Paragraphs 126 - 136: Achieving well-designed places
Section 14, Paragraphs 152 - 173: Meeting the Challenge of Climate Change, Flooding and Coastal Change
Section 15, Paragraphs 174 - 188: Conserving and Enhancing the Natural Environment

The National Planning Practice Guidance (NPPG)

Planning Practice Guidance (<http://planningguidance.planningportal.gov.uk/>) supports and clarifies areas in the NPPF. It contains guidance on assessing housing need; design; public consultation; open space provision in new development; travel plans, transport assessments and statements in decision-taking; health and wellbeing; water supply, wastewater and water quality; light pollution; determining a planning application; the use of planning conditions and viability, amongst other things. The NPPG gives guidance on what is a material planning consideration in determining a planning application indicating that the impact of a development on the value of a neighbouring property or loss of private rights to light could not be material considerations.

The NPPG includes more detailed advice on the use of planning conditions (replacing the cancelled Circular 11/95). It indicates that when used properly, conditions can enhance the quality of development and enable development proposals to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects of the development. The objectives of planning are best served when the power to attach conditions to a planning permission is exercised in a way that is clearly seen to be fair, reasonable and practicable. It is important to ensure that conditions are tailored to tackle specific problems, rather than standardised or used to impose broad unnecessary controls.

Supplementary Planning Guidance and other Documents

The Council has adopted a number of Supplementary Planning Guidance documents, Development Briefs and Conservation Area Appraisals. These elaborate on saved policies in the Gravesham Local Plan First Review and policies in the Gravesham Local Plan Core Strategy and are material considerations in determining planning applications.

In addition, the Council has adopted a number of documents that have been produced by Kent County Council also as Supplementary Guidance.

The following documents are relevant to the consideration of this proposal:

- Kent Design Guide (SPG 5 published December 2005, adopted July 2006).

- Kent Vehicle Parking Standards (SPG 4 published in 2003 and adopted in 2006).
- Planning Policy for Vehicle Accesses on Classified Highways (SPG6 November 1992).

The Brough Council has adopted supplementary guidance ***“Planning Policy for vehicular accesses to classified highways”*** (Planning Guidance Note No 6).

This gives detailed advice regarding design criteria for vehicular accesses and sets out the circumstances where permission will be granted for new vehicle accesses onto classified roads. It has been the subject of thorough public consultation.

The Council's policy and guidance for controlling the formation of vehicular accesses to classified highways is long established dating from the mid 1970's and reaffirmed in November 1980. It was established as a planning policy through the original Gravesham Local Plan in 1987. The policy guidance was revised in September 1991 following which an explanatory leaflet was produced. In November 1992 the policy guidance was reappraised. The policy guidance was modified only in its interpretation concerning accesses to local distributor routes subject to a 30mph speed limit. This had the effect of deleting on such roads the requirement for the provision of a vehicle turning area within the site to enable vehicles to enter and leave in a forward direction.

The current guidance makes it clear that whilst each application for a new vehicular access to a classified road will be considered on its individual merits, certain standards will apply throughout: -

- There should be a minimum depth of 5.0 metres available from the rear edge of the highway or path, to ensure a car can be parked wholly off the road (increased to 5.5 metres where the driveway leads to a garage door)
- Visibility splays should be provided appropriate to the class of road and the speed of passing traffic. Typical standards are 2 x 2 metres (measured along back of footway) for pedestrians and 2 x 45 metres (measured along kerb line) for vehicles. Where these cannot be provided within the applicant's landholding, the agreement of a neighbouring landowner may be required to comply
- There should be sufficient width on the public road to ensure that vehicles may turn in and out safely with no lateral damage or over-running of verges or private property
- Excessive gradients which would cause dangers to road users in wet/icy conditions should be avoided
- The access should not create a hazard by virtue of its close proximity to other entrances, road junctions, pedestrian crossings and traffic islands
- In conservation areas and in the grounds of listed buildings, there will be a presumption against paving over the entire forecourt for the benefit of parking. New proposals should seek to retain at least half of the garden as soft landscaping

On Schedule 1 roads, the following additional considerations apply: -

- Where an alternative means of vehicle access can be provided which does not affect the main road, a new access to the classified road will normally be refused
- **All applications will be expected to show on-site turning space** - typically, this will require a minimum forecourt area of 7.5 metres width and 8 metres depth
- Exceptional circumstances will be needed to justify the creation of more than one means of access to a single residential property
- All new entrances will have to have full sight-lines appropriate to the speed of passing traffic and all reasonable steps should be taken to design out any hazards arising from this access. This may entail further work in the highway

Schedule 1 roads covers all trunk roads, primary and district distributor routes (A and B roads) and those

local distributor routes which fall partly or wholly outside a 30mph speed limit.

Wrotham Road is a principal distributor route (A Class) subject to a 30mph speed limit and is therefore a Schedule 1 road.

Consultations, Publicity and Representations

Consultations - Internal

GBC Highways Development Management Officer

The proposal for a carriage crossover gets an automatic recommendation of refusal.

1. Building Regulations do not permit a soakaway within 5 metres of the highway or a building, as the front garden is not in excess of 10 metres this cannot be complied with.
2. Wrotham Road is the A227 and so PGN6 applies which requires all properties to have on site turning to permit a vehicle to enter and leave the highway in forward gear. There is insufficient space.
3. The east side of Wrotham Road can be heavily parked and the emergence of a vehicle with limited visibility between parked cars on a busy road could present a highway safety issue.

It is noted that some properties may have a carriage crossover, but a random check on the history of these properties has not revealed any planning permissions being granted. The agreement to any access could present a dangerous precedent for future applications and given the above I cannot see any reason why a dropped kerb would be acceptable

Ward Councillors

No comments received

Consultations - External

KCC Highways and Transportation

Provided the following requirements are secured by condition or planning obligation, then I would raise no objection on behalf of the local highway authority: -

- Provision and maintenance of 2 metres x 2 metres pedestrian visibility splays behind the footway on both sides of the access with no obstructions over 0.6m above footway level, prior to the use of the site commencing.
- Use of a bound surface for the first 5 metres of the access from the edge of the highway.

Planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council - Highways and Transportation (web: www.kent.gov.uk/roads_and_transport.aspx or telephone: 03000 418181) in order to obtain the necessary Application Pack.

Requests imposition of standard KCC Highways Informative.

Publicity and Representations

The application was publicised by individual notification to two adjoining properties.

The expiry date for neighbour publicity was 18 May 2022. No representations have been received

Planning Analysis and Appraisal

Introduction

The key considerations in the determination of this planning application are whether the proposed new vehicular access and the associated front garden parking/hardstanding facilities and alterations to the front garden boundary are appropriate and acceptable in both in highway safety and parking terms and also in character and amenity terms and also in relation to any other material planning considerations (such as drainage and biodiversity) and having regard to adopted policy and guidance, notably Gravesham Local Plan Core Strategy Policies CS11 (Transport), CS12 (Green Infrastructure) and CS19 (Development and Design Principles), saved Policy T5 (New Access onto Highway Network) of the Gravesham Local Plan First Review 1994, Gravesham Planning Policy for vehicular accesses to classified highways (SPG 6, February 2009), and Sections 9 and 12 of the National Planning Policy Framework (NPPF) 2021

In addition, the assessment should take into account the impact on the local area, any similar planning decisions locally and whether there is or would be any precedent for such development but whilst recognising that all planning applications are considered on their individual merits.

Highways, Access and Parking Issues

Paragraph 111 of the NPPF indicates that development should only be prevented or refused if there would be an unacceptable impact on highway safety and paragraph 112 of the NPPF advises that applications for development should, amongst other things, create places that are safe, secure and attractive which minimise the scope for conflicts between pedestrians, cyclists and vehicles.

Policy CS11 (Transport) of the Gravesham Local Plan Core Strategy September 2014 sets out that new developments should mitigate their impact on the highway. Saved Policy T5 of the Gravesham Local Plan First Review November 1994 indicates that the formation of new accesses to classified roads will not normally be permitted **except where no danger would arise**.

The Vehicle Accesses on Classified Highways Planning Guidance Note 6 (February 2009) also specifies a number of standards and additional considerations for Schedule 1 (A and B Class) roads, including

- where an alternative means of vehicle access can be provided which does not affect the main road, a new access to the classified road will normally be refused
- all applications will be expected to show on-site turning space - typically, this will require a minimum forecourt area of 7.5 metres width and 8 metres depth
- exceptional circumstances will be needed to justify the creation of more than one means of access to a single residential property
- all new entrances will have to have full sight-lines appropriate to the speed of passing traffic and all reasonable steps should be taken to design out any hazards arising from this access. This may entail further work in the highway.

It is recognised that many older properties situated along classified roads have no on-site parking provision and therefore residents are forced to park their vehicle on the road, sometimes a considerable distance from the actual dwelling. It is considered that it is good practice to provide off-street parking areas for existing properties along classified roads provided that safe access arrangements can be achieved in accordance with the Council's policy and guidance and provided that there are no other material planning considerations that outweigh such a development from taking place.

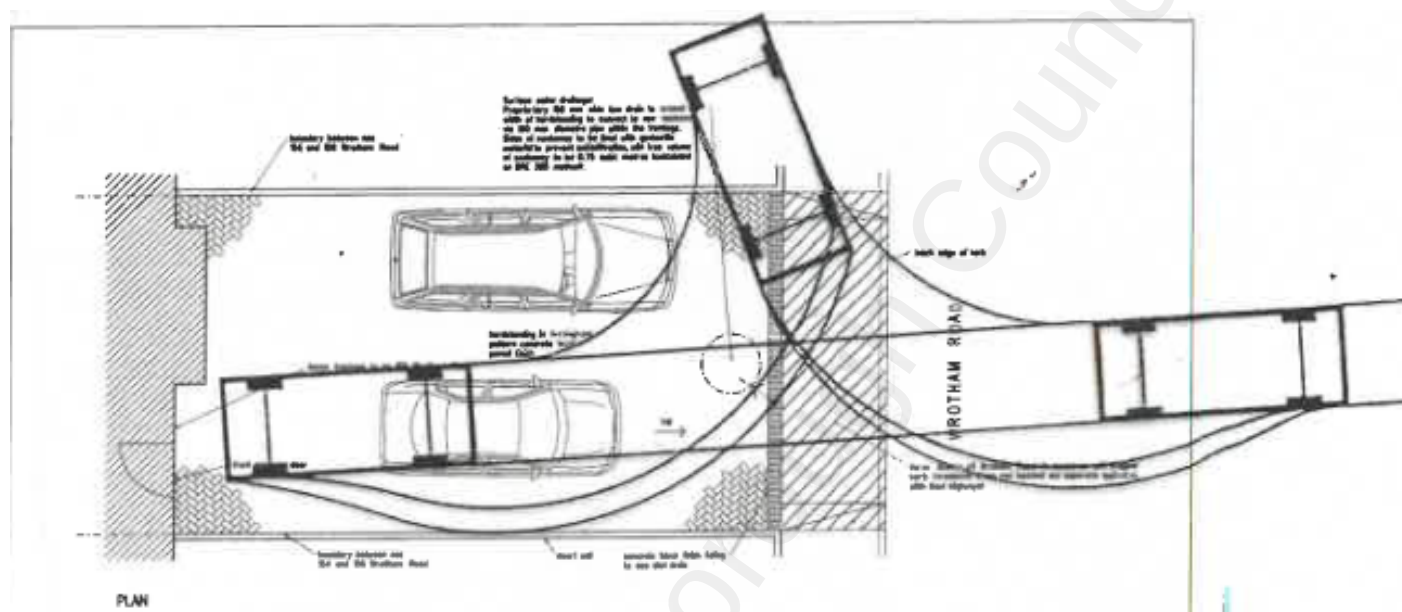
The Borough Councils planning guidance for vehicle accesses (February 2009), sets out that all applications for off street parking on the principal classified roads in the Borough such as Wrotham Road will be expected to provide space to allow for a vehicle to be turned within the site, which typically would require an absolute minimum frontage area of 8 metres depth and 7.5 metres width such that there is sufficient space for a car to be able to be driven in and out in a forward direction, and with only one car parked within the frontage. This should not be in the form of a multi-point turn.

This policy, which has been adopted and strictly enforced by the Council over the past 30 or more years,

aims to ensure that residents who live on major strategic routes are not permitted to create entrances which would require them to reverse their vehicles either on or off the public highway and thereby causing potential danger to other moving traffic as well as to pedestrians.

In this particular case the front garden area of 156 Wrotham Road is neither deep enough nor wide enough to provide the required turning area to enable vehicles to enter and leave in a forward direction.

This is illustrated in the drawing below. The front garden has a depth of 9.5m to the front bay but only an absolute maximum width of 5.7m between side boundaries. The drawing below shows the applicants plans (reduced to a scale of 1:200) with an overlay of a turning circle based on Design Bulletin DB32 and this clearly shows that it is impossible for a vehicle to turn within the site. It would need the removal of the common side boundary to the front garden with 158 Wrotham Road and the use of the neighbouring land to manoeuvre across to achieve a normal three-point turn.



It is not disputed that there is sufficient space just to park a car in the front garden clear of the highway including the footway (the minimum depth for a parking space should be 5m, but 6m in front of an entrance door) and potentially 2 cars could park side by side but the implication of not having a full turning area available is simply that residents would reverse either onto or off the site, either manoeuvre being hazardous along what is a very busy and heavily trafficked route and a main route to the Gravesend town centre from the A2 trunk road and the villages and rural areas to the south of the urban area. Moreover, with the depth of garden back from the highway of 9.5m or 10m to the front entrance door there is perhaps even more likelihood that the applicants will attempt to use the front garden for a total of 4 cars with a tandem parking arrangement and in so doing risk the potential for cars to overhang the footway in Wrotham Road to the detriment of pedestrian users.

The proposed vehicular access in this location would therefore breach adopted Policy T5 of the Gravesham Local Plan, as it would result in vehicles reversing into or out of the site to the detriment of highway safety and free flow of traffic on this busy classified road. This would also be contrary to Core Strategy Policy CS11 (Transport), Gravesham Planning Policy for vehicular accesses to classified highways (SPG 6, February 2009) and section 9 of the National Planning Policy Framework (NPPF) 2021.

It is noted that the local highway authority, Kent County Council, has not objected to the principle of access to this property providing that the vehicle crossover is constructed to KCC highway standards. However, this is simply because there is not a Kent wide policy that requires turning space for the formation of accesses onto classified highways and where there are no other overriding safety factors which would justify objection being raised but this is a Borough Council adopted policy and as indicated above a longstanding one which has been supported by various Planning Inspectors where appeals have been lodged against planning refusals.

Conversely there is a clear objection from the GBC Highways Development Management Officer who considers that the application is contrary to Gravesham planning policy.

The GBC Highways Development Management Officer also highlights that the east side of Wrotham Road can be heavily parked and the emergence of a vehicle with limited visibility between parked cars on a busy road could present a highway safety issue.

The significant number of parked cars along this side of Wrotham Road that are part on the carriageway and part on the footway was evident at the case officer site inspection. (See *photograph below taken on 17 May 2022*).



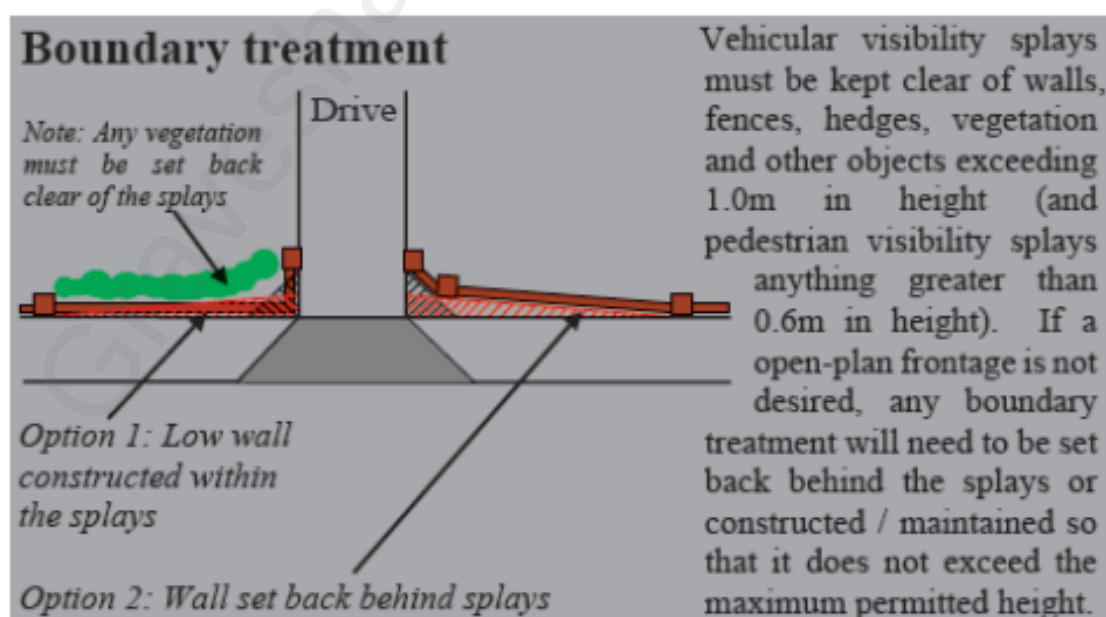
The Kent County Council Vehicle Crossing: - Guidance and Self-Assessment, October 2018 sets out detailed guidance on a number of matters including if there enough space in your garden, is the access wide enough, separate entrance and exit, distance from road junction, visibility requirements and drainage, amongst other things.

The criteria states that in respect of visibility requirements, the following minimum requirements should be satisfied:

Footway Visibility

X-dimension 2.0m from back of footway

Y-dimension 2.0m within these splays



Carriageway Visibility

X-dimension: 2.0m from the kerb line

Y-dimension: based upon the following table: -

Speed Limit	40mph	30mph	30mph	30mph	20mph
Road Classification	"A" Road	"A" or "B" Road	Local Access road	Local Access road with Traffic Calming	20mph Zone
Y- distance	120m	90m	60m	43m	33m

It is noted that no indication is shown on the submitted plans of whether the proposed access can meet the footway and carriageway visibility requirements indicated above.

It is evident that any vehicles reversing out of the proposed access and driveway would have restricted vision due to parking in Wrotham Road next to and partially over the footway.

As can be seen from the photograph below visibility would be restricted not just by parked cars on the pavement but also adjacent boundary walls and existing greenery to the frontages either side.



It is considered therefore that the proposed vehicle access is unacceptable due to lack of vehicle turning and restricted visibility and cannot be supported and is contrary to Policy C11 of the Gravesham Local Plan Core Strategy September 2014, saved Policy T5 of the Gravesham Local Plan First Review November 1994, the advice set out in the Vehicle Accesses on Classified Highways Planning Guidance Note 6 February 2009 and section 9 of the National Planning Policy Framework (NPPF) 2021.

Impact on Character and Appearance and Visual Amenity

A further consideration is the impact that an access may have on local visual amenity.

Policy CS19 (Development and Design Principles) of the Gravesham Local Plan Core Strategy September 2014 indicates, amongst other things, that development should conserve and enhance the character of the local built, historic and natural environment, integrate well with the surrounding local area. Proposals should include details of appropriate hard and soft landscaping, protect and where opportunities arise enhance biodiversity.

Paragraph 130 of Section 12 of the National Planning Policy Framework (NPPF) 2021 indicates that, amongst other things, planning policies and decisions should ensure that developments are visually

attractive as a result of good architecture, layout and appropriate and effective landscaping, and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.

In this case the engineering works to create the access and parking involve the removal of the front boundary wall (and which has already been undertaken) and the hard paving of the entire front garden with block paving.

Whilst the development will provide convenient additional onsite parking for the occupants of the dwelling and will have no adverse impact on their amenity and the proposal will not adversely or materially impact on the amenity of the occupants of the neighbouring properties and it is noted that there have been no neighbour objections, nevertheless it is considered that these matters do not outweigh the impact that the development has on the character and appearance of the area. As the Google Earth image 2017 shows earlier in this report a significant part of the front garden was laid to lawn with flower beds. No greenery is shown to be retained or provided within the proposed scheme.

Moreover, the properties from 150 to 184 Wrotham Road have no accesses and have boundary walls to the frontage along with pleasant lawned frontages that add to the suburban character of the area on an important thoroughfare that runs into the town centre.

The loss of the enclosure at this site and the appearance of parked cars to the front of the house would be at odds with the pleasing uniformity of character in the immediate area. This would be harmful to the character and appearance of the area and would fail to accord with Core Strategy Policy CS19 (Development and Design Principles) which requires, amongst other things, development to integrate well with the surrounding area and conserve and enhance the character of the local built environment.

Other Material Planning Considerations

Drainage and Surface Water run off

Core Strategy Policy CS18 (Climate Change) sets out the requirements for dealing with sustainable drainage and surface water run-off. The hardstanding would be constructed of concrete block pavements and incorporates drainage to the frontage (Aco drain and soakaway) such that the development will not cause adverse surface water run-off onto the highway.

However, it is noted that the GBC Highways Development Management Officer advises that Building Regulations do not permit a soakaway within 5 metres of the highway or a building, as the front garden is not in excess of 10 metres this cannot be complied with.

Biodiversity Impacts

Policy CS12 (Green Infrastructure) of the Gravesham Local Plan Core Strategy 2014 indicates that all green spaces contribute to the green infrastructure network and that the multifunctional network of green spaces will be created, protected, enhanced and maintained. It requires that there should be no net loss of biodiversity in the Borough and gives protection amongst other things to internationally designated sites. It sets out that the overall landscape character and valued landscapes within the borough will be conserved and enhanced.

There is some minor loss of biodiversity, contrary to policy CS12 of the Core Strategy, although it is recognised that hard surfacing works on their own per se could be undertaken, separate from the actual access submission and associated engineering works, as potentially permitted development.

Nevertheless, the lack of any landscaping proposals or any biodiversity gain all adds to the concerns identified above relating to the impact on the character and appearance of the area and is at odds with Core Strategy Policies CS12 and CS19.

Precedent and other Accesses

Whilst each planning application is treated on its own merits, consideration needs to be taken of any

planning history or the existence of any similar development locally.

The GBC Highways Development Management Officer has indicated that the agreement to any access could present a dangerous precedent for future applications

The nearest vehicle accesses on to Wrotham Road to the application site are at 146 and 148. Both accesses have dropped kerbs (pavement crossings) and which the former has a potential turning area there is none available at the latter and which is gated. There is no planning history relating to these accesses and which are clearly historic and pre-date any adopted policy.

More significantly there are no accesses at all on to the east side of Wrotham Road running from 150 to 188 Wrotham Road.

The planning records show that planning permission was refused for an access at 150 Wrotham Road on 17 November 2003 (ref 20030777) on grounds of the front garden being too small to provide an acceptable turning area to enable vehicles to enter and leave in a forward direction, and a subsequent appeal was dismissed on 09 October 2004.

More recently planning permission was refused for an application (ref 20190376) for formation of a hardstanding in the front garden and creation of a vehicle crossover on 09 July 2019 at 170 Wrotham Road on grounds of highway safety and impact on the character and appearance of the surrounding area; a subsequent appeal (Appeal Ref: APP/K2230/D/19/3236225) was dismissed on 02 March 2020.

The Inspector in dismissing the appeal commented:

The site is located within a terrace whereby none of the houses have on-plot parking to the front. Accordingly, cars park on the street to the front of the properties.

Due to the nature of the appeal site, the proposed driveway would be limited in width. It would therefore not enable the turning of a vehicle on the site to ensure its entrance on to the highway in a forward's gear. Consequently, the proposal would be likely to give rise to cars reversing onto the highway. Due to the presence of parked cars on the street, visibility from the appeal site is significantly compromised and therefore, reversing onto the highway would constitute a significant danger to highway safety.

The appellant states that they would routinely reverse onto the hardstanding, and therefore enter the highway in a forward's gear. However, this is not a matter that can be guaranteed through the proposal. In addition, regardless of this position, due to the significant presence of parked cars on the highway and the proximity to the large junction, in my view, a car emerging onto the highway, whether forwards or backwards, would demonstrably effect highway safety.

Through the assessment of the original application, I note that Kent Highways, as the local highway authority, raised no objection to the proposal. However, in contrast, this position was not shared by the Council's Highway Development Management Officer. Based on the evidence before me, although the guidance referred to is somewhat dated, the advice provided by the Council's in-house expert has more substance to it. Moreover, for the reasons identified above, I entirely agree with the advice provided. As a consequence, I attach limited weight to the advice provided by Kent Highways.

Further to the north of the appeal site, there are a number of examples of houses with on-plot car parking. However, where these exist, generally they are located to the front of semi-detached dwellings. Consequently, the driveways are wider, and the houses are also located further from the busy junction. Moreover, due to the consistent presence of driveways, cars are not able to park on the highway. Accordingly, visibility is significantly better than from the appeal site. These examples are therefore materially different to the appeal site and consequently, I attach very little weight to their presence.

I also note that some cars park partly on the pavement which has the effect of limiting the width available for pedestrians. Whilst this may have some effect on pedestrian safety, due to the scale of the proposal, the potential benefit of removing a small pocket of on-street parking would be limited. Accordingly, I attach very little weight to this matter.

For the reasons identified above, I conclude that the proposal would have a harmful effect on highway safety. It would therefore fail to accord with Policy CS11 of the Gravesham Local Plan Core Strategy (2014) (CS) and Saved Policy T5 of the Gravesham Local Plan First Review (1994). Taken together, these policies

seek to prevent new accesses to the highway network where danger would arise and also require new development to mitigate their impact on highway networks.

In respect of the impact on character and appearance the Inspector commented:

The front garden of the appeal site is currently laid to lawn with a pathway leading to the front door. The garden is enclosed by a low-level brick wall and an area of landscaping occupies the north-western corner of the garden, adjacent to the pavement. The neighbouring front gardens within the terrace exhibit variety in terms of their boundary enclosures and means of landscaping. However, a unifying trait is the absence of parked cars and the consistent appearance of low-level boundary enclosures adjacent to the footpath. Cumulatively, these create a uniformity that makes a positive contribution to the character and appearance of the area.

The proposal would remove the existing boundary wall. In addition, the lawn would be replaced by open concrete blocks. Whilst the blocks would enable grass to grow through, the loss of the enclosure and the appearance of parked cars to the front of the house would be distinctly at odds with the pleasing uniformity identified above. As a consequence, I conclude that the proposal would be harmful to the character and appearance of the area. It would therefore fail to accord with Policy CS19 of the CS which requires, amongst other things, development to integrate well with the surrounding area and conserve and enhance the character of the local built environment.

In the appeal decision (APP/K2230/A/04/1141833) as referred to earlier in respect of the proposed access at 150 Wrotham Road refused by the Borough Council in 2003, the Inspector commented in 2004 on the issue of precedent that:

I recognise that proposal should be considered on their merits. Nevertheless, it seems to me that if the proposal were to be permitted, it would make it extremely difficult for the Council to resist similar proposals in the vicinity. In particular, I saw that the terrace of houses numbered 152 to 84 have no access to Wrotham Road. If this proposal were to be allowed, it would lead to pressure for the construction of further accesses along Wrotham Road up to the traffic lights to the further detriment of highway safety.

Conclusions and Balancing Exercise

It is acknowledged that the existing property does not have access for off road parking and that there are no other ways in which this can be achieved (for example by rear access).

However it is a policy requirement of the Borough Council that on A and B class classified highways that if a vehicle access is to be permitted safely then there must be sufficient space to allow for a vehicle to be turned within the site, which typically would require an absolute minimum frontage area of 8 metres depth and 7.5 metres width such that there is sufficient space for a car to be able to be driven in and out in a forward direction, and with only one car parked within the frontage. This should not be in the form of a multi-point turn, nor are devices such as turntables acceptable and which are prone to failure.

It has been clearly demonstrated that the front garden of this property cannot meet the adopted criteria in this case.

The GBC Highways Development Management Officer also highlights that the east side of Wrotham Road can be heavily parked and the emergence of a vehicle with limited visibility between parked cars on a busy road could present a further highway safety issue. No pedestrian or vehicle visibility splays are shown on the submitted drawings.

It is therefore considered that the proposed vehicle access is unacceptable due to lack of vehicle turning and restricted visibility and cannot be supported.

There are also strong concerns at the impact that the access would have on the character and appearance of the locality. No greenery is shown to be retained or provided within the scheme with the whole of the frontage to be block paved whereas a significant part of the front garden of this property has previously been laid to lawn with flower beds. Moreover, the properties from 150 to 184 Wrotham Road have no accesses and have boundary walls to the frontage along with pleasant lawned frontages that add to the suburban character of the area on an important thoroughfare that runs into the town centre.

The loss of the enclosure at this site and the appearance of parked cars to the front of the house would be at odds with the pleasing uniformity of character in the immediate area. This would be harmful to the character and appearance of the area and would fail to accord with Core Strategy Policy CS19 (Development and Design Principles) which requires, amongst other things, development to integrate well with the surrounding area and conserve and enhance the character of the local built environment.

On balance and in weighing all the issues and in considering the consultation responses it is considered and concluded that the proposed development would be detrimental to highway safety and as such, not meet the criteria or policy requirements as set out in Policy C11 (Transport) of the Gravesham Local Plan Core Strategy September 2014, Saved Policy T5 (New Accesses onto Highway Network) of the Gravesham Local Plan First Review November 1994, the advice set out in the Vehicle Accesses on Classified Highways Planning Guidance Note 6 February 2009 and paragraphs 11 and 112 of section 9 of the National Planning Policy Framework (NPPF) 2021.

In addition, it is considered that the development would detract from the character and appearance of the street scene in Wrotham Road, by virtue of the loss of an existing boundary treatment and vegetated frontage and fails to provide any biodiversity gain contrary to Policy CS12 (Green Infrastructure) and CS19 (Development and Design Principles) of the Gravesham Local Plan Core Strategy September 2014 and Paragraph 130 of Section 12 of the National Planning Policy Framework (NPPF) 2021.

There are insufficient considerations to outweigh the harm in terms of highway safety, and impact on character, amenity and biodiversity and the harm identified could not be dealt with by the imposition of planning conditions.

Whilst each application should be considered on their merits, if the proposal were to be permitted, it would make it extremely difficult for the Brough Council to resist similar proposals in the vicinity up to the existing traffic light junction to the south and would add further to highway safety concerns and would be to the detriment of local character and amenity and result in biodiversity loss.

In the analysis of the planning issues and the subsequent recommendation consideration has been given to the Human Rights Act and it is concluded that any breaches or interference to individual human rights are reasonable and fair.

Recommendation:

REFUSAL

1. The proposed vehicular access and front garden hardstanding would have a detrimental impact on highway and pedestrian safety and the free flow of traffic on this busy classified 'A' class road and which is a primary distributor route. There would be insufficient width available within the parking area to enable vehicles to turn within the curtilage of 156 Wrotham Road and thereby be able to enter and leave in a forward direction which would lead to vehicles dangerously reversing to or from the site, potentially between parked vehicles into oncoming traffic. In addition, highway and pedestrian visibility splays to the proposed access have not been indicated on the submitted drawings. As such the proposal would be contrary to Policy CS11 (Transport) of the Gravesham Local Plan Core Strategy, September 2014, saved Policy T5 (New Accesses onto Highway Network) of the Gravesham Local Plan First Review 1994, the Council's Planning Guidance Note 6: Planning Policy for Vehicular Accesses to Classified Highways (February 2009) adopted as supplementary planning guidance and Paragraphs 111 and 112 of section 9 of the National Planning Policy Framework (NPPF), 2021.

2. The proposed development would detract from the character and appearance of the street scene in Wrotham Road, by reason of the loss of an existing boundary treatment and vegetated frontage. This part of Wrotham Road is characterised by low front walls and enclosed and vegetated front gardens, which softens the frontages of the dwellings and is a positive feature of the street scene and adds to the suburban character of the area on an important thoroughfare that runs into the town centre. The loss of the enclosure

at this site and the appearance of parked cars to the front of the house would be at odds with the pleasing uniformity of character in the immediate area. This would be harmful to the character and appearance of the area and would detrimentally impact on visual amenity and would fail to accord with Policy CS19 (Development and Design Principles) of the Gravesham Local Plan Core Strategy, September 2014 which requires, amongst other things, development to integrate well with the surrounding area and conserve and enhance the character of the local built environment, and the development would also not accord with paragraph 130 of Section 12 of the National Planning Policy Framework (NPPF) 2021. The loss of the existing vegetated frontage and the failure to provide any biodiversity gain would be contrary to Policy CS12 (Green Infrastructure) of the Gravesham Local Plan Core Strategy, September 2014.

INFORMATIVES: -

1 DRAWINGS AND DOCUMENTS

For the avoidance of doubt the decision to refuse this application was taken in relation to the following plans and documents:

Application Form and Certificates

Drawing No SH01: Site Location Plan

Drawing No SB02: Existing and Proposed Site Block Plans

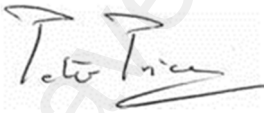
Drawing No SH03: Existing Frontage Plan and Elevation

Drawing No SH04: Proposed Frontage Plan and Elevation

2 STATEMENT OF POSITIVE AND PROACTIVE APPROACH TO DECISION TAKING

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.

In this instance, the application is contrary to local and national policy and the planning and other objections could not be overcome by amendments to the scheme or through the imposition of planning conditions.

Case Officer:	Mr Peter Price	Team Leader:	Faye Hobbs
Signed:		Signed:	
Dated:	21st June 2022	Dated:	21 st June 2022