

Application: 20220440

**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 Verity Graham
C/O Miss Ebcin, Barron Edwards Ltd
Whitehall Place
47 The Terrace
Gravesend
DA12 2DL**

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:

**Rear Of 8 Burch Road
Northfleet
Gravesend
Kent
DA11 9NG**

and being **Demolition of existing outbuilding. Erection of a two-storey building fronting on to Cross Road to provide 2 x 1 bed flats and with two parking spaces**

Your application dated 27th May 2022 is refused on the following grounds:-

1. The proposed development would be overdevelopment and unacceptable in design terms and would adversely impact on the character and appearance of the Overcliffe Conservation Area, a designated heritage asset, and not relate well to the existing buildings or the character and appearance of the area. As such, it would be contrary to Policies CS19 (Development and Design Principles) and CS20 (Heritage and the Historic Environment) of the Gravesham Local Plan Core Strategy September 2014 and saved Policy TC3 of the Gravesham Local Plan First Review 1994 and sections 12, (Achieving well-designed places) and 16 (Conserving and Enhancing the Historic Environment) of the National Planning Policy Framework (NPPF).
2. The development will provide a cramped and somewhat poor level of living environment for future occupants of the development and is contrary to Policy CS19 (Development and Design Principles) of the Gravesham Local Plan Core Strategy 2014, the GBC Residential layout guidelines including Housing Standards Policy Statement October 2015, (SPG2), adopted February 1996 - amended June 2020 and also the Technical housing standards - nationally described space standards, (DCLG, March 2015) and Section 12 (Achieving well-designed places) of the National Planning Policy Framework (NPPF) 2021.
3. The scale, form, orientation and positioning of windows and the close proximity of the building to neighbouring properties is such of the proposed building fails to safeguard the amenity of those neighbouring properties that adjoin the site, resulting in an overbearing and unneighbourly form of development and direct overlooking of habitable or non-

habitable rooms. As such the development is contrary to Policy CS19 (Development and Design Principles) of Gravesham Local Plan Core Strategy, September 2014, the GBC Residential layout guidelines including Housing Standards Policy Statement October 2015, (SPG2), adopted February 1996 - amended June 2020 and the Technical housing standards - nationally described space standards, (DCLG, March 2015), and Section 12 (Achieving well-designed places) of the National Planning Policy Framework (NPPF) 2021.

4. The proposed arrangement of car parking and vehicle access to serve the development would result in the loss of existing reserved, and/or potential off-street parking for the existing flat occupiers at 8 Burch Road within the rear garden/yard and reduce existing available parallel parking spaces on street in Cross Road to the detriment of local amenity and result in further pressure on limited on-street car parking. In addition, it has not been demonstrated that the access and car parking arrangements to serve the dwelling can provide safe access with satisfactory visibility including 2m x 2m pedestrian visibility splays either side of the parking spaces. This is therefore contrary to Gravesham Local Plan Core Strategy Policy CS11 (Transport) and saved Policies T1 (Impact of Development on the Highway Network), T5 (New Accesses onto Highway Network) and P3 (Policy for Vehicle Parking Standards) of the Gravesham Local Plan First Review, the Kent Vehicle Parking Standards (SPG 4 published in 2003 and adopted in 2006) and Section 9, Paragraphs 104 - 113: Promoting Sustainable Transport of the national Planning Policy Framework (NPPF).
5. The applicant has failed to provide any ecological evidence to inform a Habitat Regulations Assessment (HRA) covering the impact of the development on the North Kent Special Protection Area (SPA)/Ramsar site (including the Thames Estuary and Marshes) 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 (Green Infrastructure) and paragraphs 180 and 181 of the National Planning Policy Framework (2021) which seeks to ensure that detrimental effects on the integrity of SPA/Ramsar sites are avoided.

INFORMATIVES:-

1 DRAWINGS AND DOCUMENTS

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

Application Form and Certificates

Drawing No 220208 001 Rev A: Site Plan and Existing and Proposed Block Plans

Drawing No 220208 002 Rev A: Proposed Plans and Elevations

Heritage Statement by Barron Edwards dated 27 May 2022

2 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.

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

Dated: 22 July 2022

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 can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.**
- 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.