

Application: 20211111

**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 Basra
C/O Mr Arjun Madhray, Barron Edwards
Whitehall Place
47 The Terrace
Gravesend
DA12 2DL
Kent**

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:

**18-22 Queen Street
Gravesend
Kent**

and being **Partial demolition of existing rear extension, erection of a one and an half storey detached building at the rear to accommodate two replacement flats plus an additional 4 x 1 bedroom flats. Infill of existing yard at 20 Queen Street to form enlarged retail unit, extension to outrigger at rear of 22 Queen Street to form enlarged first floor flat and an further storey/addition at second floor level to 22 Queen Street including frontage alterations to accommodate a 2 bedroom flat.**

Your application dated 6th October 2021 is refused on the following grounds:-

1. The proposed development would be overdevelopment of the site, unacceptable in design terms and would adversely impact on the character and appearance of the High Street and Queen Street Conservation Area 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, 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) 2021.
2. The proposed rear block of flats would provide inadequate and unsatisfactory levels of natural light and ventilation creating a poor living environment for the future occupants of the development. In addition there would be a poor means of access to the rear of the site through a narrow and poorly lit walkway. The proposal is therefore contrary to Policy CS19 (Development and Design Principles) of the Gravesham Local Plan Core Strategy, September 2014 and Section 12 (Achieving well-designed places) of the National Planning Policy Framework (NPPF) 2021.

3. The scale, form and orientation of the proposed rear block of flats fails to safeguard the amenity of neighbouring properties in Berkley Road that adjoin the site, resulting in an overbearing and unneighbourly form of development in close proximity to the common boundary and result in direct overlooking of neighbouring gardens and properties from the proposed first floor walkway, thus contrary to Policy CS19 (Development and Design Principles) of Gravesham Local Plan Core Strategy, September 2014 and Section 12 (Achieving well-designed places) of the National Planning Policy Framework (NPPF) 2021.
4. The applicant has failed to provide any ecological evidence to inform a Habitat Regulations Assessment (HRA) covering the impact of the development on the Special Protection Area (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 (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.
5. Insufficient information has been provided in relation to waste storage arrangements for the development including for the existing commercial uses, and where the bins will be placed for collection and how they will be moved from the bin store to the collection point. This is essential in a street where there has been an ongoing issue relating to effective waste storage and the need to ensure that that the pavement outside the properties does not become cluttered or result in a poor quality street environment, contrary to Policies CS19 (Development and Design Principles) and CS20 (Heritage and the Historic Environment) of the Gravesham Local Plan Core Strategy September 2014, 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) 2021.

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

Planning Application Form;
Planning Statement incorporating Heritage Statement dated September 2021 (Revision 1) by Barron Edwards;
Drawing No 182022QS-PL 001: Site Location Plan and Existing Block Plan;
Drawing No 182022QS-PL 002: Proposed Block Plan;
Drawing No 182022QS-PL 003: Existing Floor Plans;
Drawing No 182022QS 004: Existing Elevations;
Drawing No 182022QS-PL 005: Proposed Floor Plans;
Drawing No 182022QS 006: Proposed Elevations;
Drawing No 182022QS 007: Proposed Rear Block Elevations;

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: 15 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 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.

## **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.