

Application: 20230028

**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 Sel Karim, Symmetry Developments
C/O Mr Roger Ward, Roger Ward Associates Limited
The Hoo Wrotham Road
Meopham
DA13 0HP**

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:

**Garages Rear Of
55 London Road
Northfleet
Gravesend
Kent
DA11 9JR**

and being **Conversion and extension of existing garages to form one single storey one bedroom dwelling and garden.**

Your application dated 18th January 2023 is refused on the following grounds:-

1. The proposed dwelling will result in a prominent and cramped over-development of the site that would be incongruous with the character and appearance of the layout of the residential properties in the surrounding area. The proposal is therefore considered to be contrary to the requirements of Policies CS14, CS15 and CS19 of the Gravesham Local Plan Core Strategy (2014), and paragraphs 121, 124, 126 and 130 of the National Planning Policy Framework (2021).
2. The proposed dwelling will result in an unacceptable and cramped amenity space for future occupiers, and would be likely to experience unacceptable levels of overlooking and loss of privacy from the proposed layout and lack of defensible space. The proposal would therefore fail to provide a high standard of amenity for future occupiers, which would conflict with the requirements of the SPG2 Residential Layout Guidelines (2020), Policy CS19 of the Gravesham Local Plan Core Strategy (2014) and paragraph 130f of the National Planning Policy Framework (2021).
3. The proposed development will remove three off-street parking spaces and convert the garage into a dwelling without any off-street parking provision, adding to existing pressure in the immediate area contrary to Gravesham's adopted parking standards SPG4 (2006), as well as Policy CS11 of the Gravesham Local Plan Core Strategy (2014).

4. The proposal fails to safeguard biodiversity and fails to secure a contribution towards strategic mitigation measures within Special Protection Areas, and in the absence of this contribution or adequate information to inform an Appropriate Assessment. Therefore, the development fails to comply with the requirements of the Habitat Regulations, but fails to offset biodiversity loss contrary to Section 15 (specifically paragraphs 180 and 181) of the National Planning Policy Framework (2021) and Policy CS12 of Gravesham's Local Plan Core Strategy (2014).

INFORMATIVES:-

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

2 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 - dated 11/01/2023;

Drawing no. 2223.WD.01A - Site Location Plan, with Existing and Proposed Block and Floor Plans;

Drawing no. 2223.WD.02 - Existing East and North Elevations;

Drawing no. 2223.WD.03 - Existing South and West Elevations;

Drawing no. 2223.WD.04 - Proposed East and North Elevations;

Drawing no. 2223.WD.05 - Proposed South and West Elevations.

Dated: 13 March 2023

Civic Centre
Windmill Street
Gravesham
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.