

Planning Statement

16 Old Road West, Gravesend, Kent,
DA11 0LJ

Formation of vehicular access on to B261
and provision of one off-street parking
space in front garden with associated hard
standing



RTPI

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Project reference: PR4413

23 May 2025

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GSP

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1 Introduction

- 1.1 This Planning Statement has been submitted in support of an application for the following development at 16 Old Road West, Gravesend, Kent, DA11 0LJ (hereafter referred to as 'the Site'):

Formation of vehicular access on to B261 and provision of one off-street parking space in front garden with associated hard standing

- 1.2 The proposed development affects the following Land Registry title(s):

Title Number	Description	Owner
K56025	16 OLD ROAD WEST, GRAVESEND DA11 0LJ	The Applicant

- 1.3 The application is accompanied by the following plans and documents:

- 4413.ON – Planning Statement
- 4413 – 01 Site Location Plan
- 4413 – 02 Existing Block Plan
- 4413 – 03 Existing Site Plan, Elevations and Sections
- 4413 – 04 Proposed Block Plan
- 4413 – 05 Proposed Site Plan, Elevations and Sections

2 Site Context

- 2.1 The Site, which is in residential use, extends across approximately 372m² and is situated on the north side of Old Road West (B261). The Site comprises an extensive rear garden which, when measured, is 23m in depth from the rear wall of the dwelling. Furthermore, the dwelling is offset from the main road by roughly 6m.
- 2.2 The principal elevation of the dwelling comprises a bay window that spans across both the ground and first floor and is constructed from white UPVC. The front door is sage green and is the primary access into the dwelling. The dwelling has also retained many of its Victorian features.
- 2.3 The existing front garden is at a slight gradient with a single access path and steps towards the front door. There is a small, grassed area along with an array of soft landscaping under the bay window.
- 2.4 In a wider context, Old Road West comprises of predominantly semi-detached residential units with the majority possessing off street parking. Furthermore, most of the street has gardens of a similar size to that of the site.
- 2.5 This Site is the subject of the following planning constraints and characteristics:
- Flood Zone 1 (low risk of flooding from rivers and seas)
 - Situated on a B-classified road (B261)

3 Relevant History

3.1 The following records are understood to be relevant to the Site:

[Formation of joint vehicular access and use of the front gardens for car parking](#)

12, 14 And 16 Old Road West Gravesend Kent

Ref. No: 19840698 | Status: Refused on 28th September 1984 on the basis the proposal would result in harm on highway safety and the harm of visual amenity. The application would have covered number 12, 14 and 16 Old Road West.

4 Proposed Development

4.1 The application entails the following elements:

- Replace existing garden with driveway to provide 1 no. parking space.
- Allow for dropped kerb access
- Existing wall adjacent to the road to be demolished
- Materials to be used will be permeable block paving
- The driveway itself will be 4m in width, 5m in depth whilst the parking space will be 2.5m in width and 5m in depth
- In terms of soft landscaping, there is a proposed hedge on the west elevation that will be 1.8m tall.
- Existing low brick wall and steps to front door to be retained
- Laurustinus tree to be retained on west elevation.
- Brick wall adjacent to road to be retained
- Retaining brick wall adjacent to the dwelling.

5 Planning Policy

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Court of Appeal has clarified that for a decision maker this means establishing whether a proposal is in accordance with the development plan as a whole. The question of compliance with one policy should not dictate the outcome of a proposal in the absence of considering compliance with all other relevant policies. Decision makers are therefore tasked with identifying and understanding all relevant policies and material considerations in order to reach a properly informed planning judgment on a proposal, and to avoid an irrational or vulnerable decision that may be subject to criticism in a public law challenge.
- 5.2 Paragraph 2 of the National Planning Policy Framework ('the Framework') reiterates what is said in Section 38(6), whilst paragraph 12 of the Framework is clear that the development plan is the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.
- 5.3 Paragraph 39 of the Framework encourages Local Planning Authorities to approach decisions on proposed development in a positive and creative way. It also encourages working proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area, adding that decision-makers should seek to approve applications for sustainable development where possible.
- 5.4 Annex 1 of the Framework confirms that for the purposes of decision-taking, the policies in the plan should not be considered out-of-date simply because they were adopted prior to the publication of the Framework. It adds that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework, with greater weight being given to those policies that are closer to the policies in the Framework.

Development Plan

- 5.5 It is understood that the Development Plan for Gravesham within which the Site is located comprises the following documents:

- Core Strategy (2014) (CS)
- Gravesham Local Plan First Review (1994) – Saved Policies

5.6 The CS sets out a long-term vision for the future of Gravesham based on evidence of the need to support communities and outline what makes Gravesham a distinctive and attractive place to live and work. Furthermore, it helps to support and inform sustainable development via investment in infrastructure, economic development, and regeneration proposals within the borough, while promoting healthy communities. Lastly it aims to provide a consistent basis for planning application decisions. The following policies are considered as relevant:

- CS01 – Sustainable development
- CS02 – Scale and Distribution of Development
- CS11 – Transport
- CS19 – Residential Layout Guidelines (previously policy H2)

5.7 The Gravesham Local Plan First Review (1994) was replaced by the adopted Local Plan (2014). In September 2007, the Secretary of State issued a direction on policies to be saved and deleted. The following are policies that have been saved, remain operational and are relevant to the proposal.

- T1 – Impact of Development on the Highway Network
- T5 – Access of Identified Highway Network
- P3 – Vehicle Parking Standards

Other Material Considerations

The Framework (NPPF)

5.8 In summary, the following paragraphs are considered most relevant as additional material considerations in the determination of this application:

- Paragraph 7 - Fundamentality of the planning system
- Paragraph 8 – Three overarching objectives for sustainable development.
- Paragraph 115 – Unacceptable impact on highway safety

Manual for Streets 1 (MfS1) (March 2007)

- 5.9 MfS1 (published in March 2007) contains helpful guidance in respect of visibility and frontage accesses. Chapter 7 considers the geometry of streets. This chapter comprises of several parts.
- 5.10 Section 7.9 is entitled frontage access, which reflects the type of access associated with the proposal. The proposed development does not involve the formation of a junction between roads, streets, or lanes. The subsequent parts of this section are of specific relevance .
- 5.11 Paragraph 7.9.1 confirms that the provision of front accesses helps to “generate activity and a positive relationship between the street and its surroundings.”
- 5.12 Paragraph 7.9.2 sets out the four factors that should be considered when considering a frontage access:
- The speed and volume of traffic on the street
 - The possibility of vehicles turning around within the property where this is possible
 - The presence of gathered accesses if individual accesses are not considered acceptable
 - The distance between the property boundary and the carriageway – to provide adequate visibility for the emerging driver.

Manual for Streets 2 (MfS2) (September 2010)

- 5.13 MfS2 published in September 2010 confirms that it “builds on the guidance contained in MfS1, exploring in greater detail how and where its key principles can be applied to busier streets and non-trunk roads.” Published in 2010, this guidance is also more up to date than MfS1.
- 5.14 Chapter 9 of MfS2 covers junctions, crossing and accesses, and, as with MfS1, MfS2 contains a specific section on frontage accesses (9.10). Paragraph 9.10.2 refers back to the research referenced in MfS1 noting that there was no indication that traffic of up to 10,000 vehicles per day on roads with frontage accesses would indicate a decline in road safety.
- 5.15 The next paragraph refers back to research referenced in the Highways Agency's Design Manual for Roads and Bridges TD 41/95 (a precursor to MfS1, published in March 1995), which examined the relationship between access frequency and

collisions on 3,000km of all-purpose trunk roads in England including urban, rural, single, and dual carriageways.

- 5.16 Paragraph 9.10.3 in MfS2 confirms that: "the research showed that there was no simple statistical relationship between the number of collisions and the number of vehicular connections in the form of minor junctions and direct accesses."

Householder Extensions/Alterations Design Guide SPD (adopted October 2021)

- 5.17 The SPD makes clear that extensions and alterations to a home can be an economical way of ensuring it can meet a household's present and future needs. In seeking to meet such needs it is important to ensure that any extension or alteration to a home are well-designed, well-built, and sympathetic to their surroundings.
- 5.18 It goes onto say that by doing so we can ensure that there are no adverse effects on the original house, immediate neighbours, the local view of the street, as well as the character and appearance of the local area.
- 5.19 Paragraph 10.21 sets out the most important criteria for the laying of hard surface to the front garden of houses which are as follows:
- 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. 1 metre should be the minimum space between or around car parking spaces
 - Front garden parking must be designed to avoid cars overhanging the pavement. Car parking spaces a minimum of 2.5m wide (2.7m where spaces adjoin an enclosed boundary) and 5m deep should be provided.
 - Should not include gates. Where gates already exist, they must not open outwards and should allow enough space for them to be opened inwardly (if relevant) whilst a car is parked.
 - Gates should enable a pedestrian on the footway to have clear visibility of any vehicle exiting (i.e. they should be railings or have some form of transparency) and should not be of a height that blocks visibility of passing pedestrians and should enable visibility from the footway.
 - 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, as per the requirements of Permitted Development.
- There should be no water run-off from the forecourt onto the public highway.
- Where loose surfacing is proposed, a minimum of 1m depth of non-loose hardstanding should be provided at the front edge of the driveway with the public highway
- Repair or restore any original decorative tiled paths that are a characteristic or historic feature of the existing dwelling.
- Visibility splays should be provided.

Further material consideration:

- SPG2 – Residential Layout Guidelines (2020)
- SPG4 - Kent Country Council Parking Standards (2006)
- Kent Design Guide – Visibility (2008)
- Kent Design Guide – Making it Happen – Highways (2008)

6 Planning Assessment

Key Issues

6.1 The following are considered to be the key issues in the assessment of this application:

1. Highway safety
2. Impact on Landscape
3. Parking Provision

1. Highway Safety

6.2 The Site is situated along a B classified road (B261) which means the Site must abide by the Gravesham policies surrounding parking as well as householder alterations.

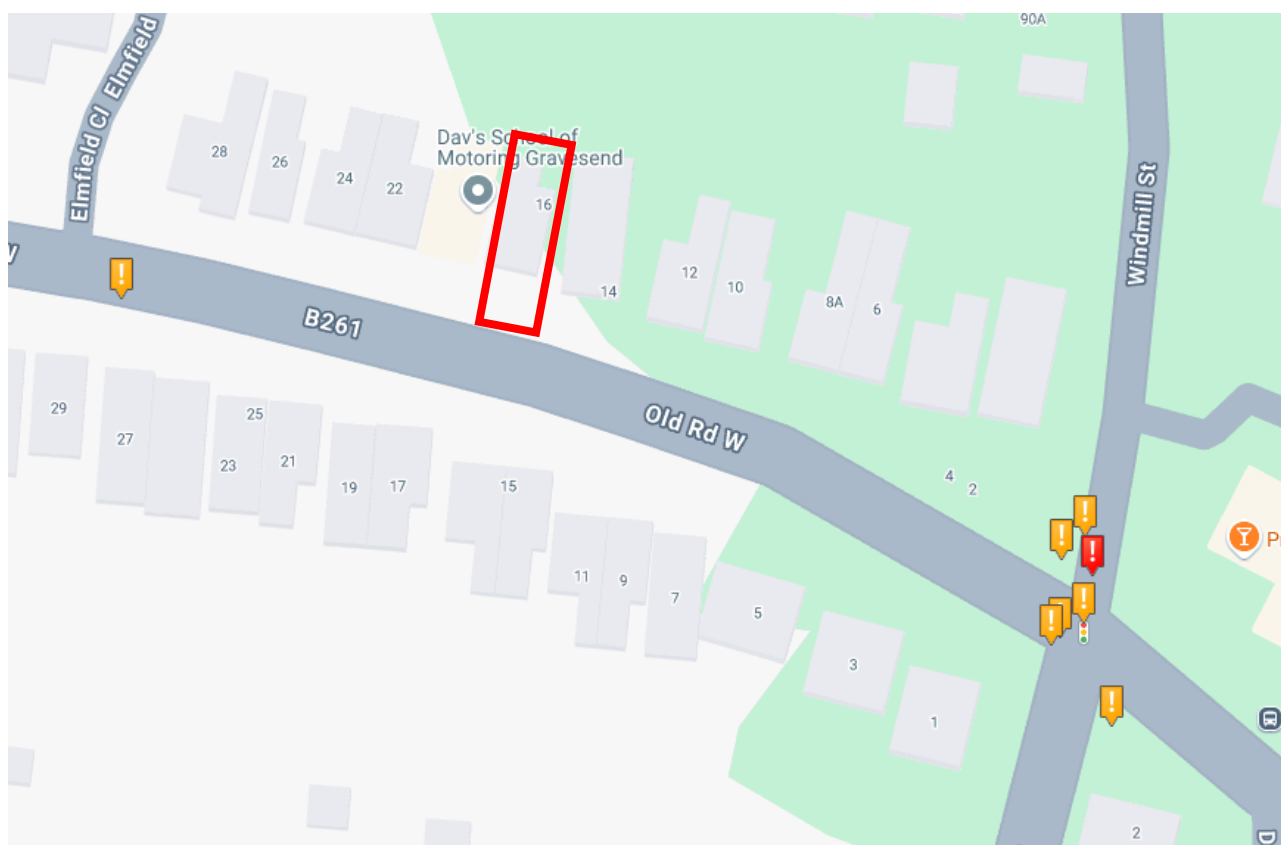
6.3 As set out above, paragraph 115 of the NPPF makes clear that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety.

6.4 Below is the accident data for the past 5 years for Old Road West. It suggests that the presence of an additional vehicular access would not result in any further accidents.

6.5 Although there has been a total of 8 accidents within 100m of the Site in the past 5 years, it is clear from the map that 7 of these accidents have taken place on the cross road between Old Road West, Old Road East, Windmill Street and Singlewell Road.

6.6 The accident that did not take place on the cross road took place on 01/10/2018, identified by the orange marker on the map below, was considered 'slight' in severity and involved 2 car drivers aged between 25-34 and involved 2 minor casualties.

6.7 The incident occurred between 6am and 9am. The conditions were considered as 'fine and still' whilst the road was considered to be 'dry.' Furthermore, it is clear that the accident occurred on the junction from Elmfield Close onto Old Road West.



- 6.8 The above implies that the addition of the proposed driveway would not cause an impact on highway safety as there is no evidence to suggest such accesses are dangerous within the locality. The map clearly demonstrates that the accidents that have occurred are as a result of unsafe driving at the cross road.
- 6.9 Paragraph 9.10.3 in MfS2 supports the idea of frontages having 'no simple statistical relationship between the number of collisions and the number of vehicular connections in the form of minor junctions and direct accesses. Therefore, suggesting the proposal would have little to no effect on the highway safety of Old Road West.
- 6.10 Another issue that has been highlighted is the concern of visibility splays for the driveway. MfS1 highlights in the table below that the required distance of visibility when emerging onto a major road at 30mph.

Table 7.1 Derived SSDs for streets (figures rounded).

Speed	Kilometres per hour	16	20	24	25	30	32	40	45	48	50	60
	Miles per hour	10	12	15	16	19	20	25	28	30	31	37
SSD (metres)		9	12	15	16	20	22	31	36	40	43	56
SSD adjusted for bonnet length. See 7.6.4		11	14	17	18	23	25	33	39	43	45	59
Additional features will be needed to achieve low speeds												

- 6.11 The table is based on the perception-reaction time of the average driver. For a 30mph road, the recommended visibility splay is 43m in each direction.
- 6.12 This figure, however, is aimed at inter-visibility between vehicles on major and minor arms of roads as opposed to access from private frontages.
- 6.13 Although the visibility at 16 Old Road West has the 43m requirement, it is arguable that this is not a necessary requirement for the proposed application. Overall, there will be sufficient vehicular visibility for the new frontage as there is no defined requirement for driveways, only for major and minor arms.
- 6.14 Two recent appeal decision on Old Road West (number 20 and number 37) as well as a recent appeal decision in Dartford confirms this and that they are not to be applied domestic accesses, such as this proposal. The appeal decisions have been divided into sections as for easier understanding.
- 6.15 Please see the below appendices to view the relevant appeal decisions in full.

a) 37 Old Road West - APP/K2230/D/24/3351002 (Appendix 1)

- 6.16 At number 37 Old Road West, which GSP worked on directly, the main reason for refusal was 'inadequate visibility splays when exiting the driveway' as well as 'it not being possible to turn a vehicle on site' both of which raise highway safety issues.
- 6.17 However, it is worth noting that this viewpoint was not shared by the KCC Highways Officer. During the consultation period, KCC Highways and Transportation highlighted the main issues to be as follows:

- Pedestrian visibility splays are required at the proposed access, they should measure 2m x 2m behind the footway on both sides, with no obstructions over 0.6m above footway level and should be demonstrated on a revised plan.
- The new access will require a bound surface for the first 5m from the edge of the highway and the provision of measures to prevent the discharge of surface water onto the highway.
- Please note that all street lamp columns and utility plant needs to be situated at least 1.5m from the location of the top of the ramped kerb of the proposed crossover. Any street furniture, lamp columns and utility plant within 1.5m must be relocated at the expense of the applicant.

- 6.18 In appeal decision, the Inspector starts by noting that there are a 'myriad of hardscaped frontages evident in the street scene, creating off street parking spaces for the houses along both sides of Old Road West
- 6.19 The Inspector then states that despite the LPA making clear there is a lack of visibility for vehicles, 'the prospect would be little different to the existing accesses to numerous properties elsewhere along Old Road West'
- 6.20 The Inspector then goes onto highlight 'due to the infrequency and short duration of such manoeuvres and the low speeds involved, I find that highway safety would not be unduly compromised in this particular instance'.
- 6.21 This recent appeal decision suggests that proposed accesses, onto Old Road West specifically, do not require the vehicle visibility, contrary to what GBC have highlighted in the past.

b) 20 Old Road West - APP/K2230/D/24/3349193 (Appendix 2)

- 6.22 Another appeal decision that supports the idea that vehicle accesses for private driveways do not impact highway safety is number 20, Old Road West, which was reviewed by the same Inspector.
- 6.23 Although the refusal at number 20 was also subject to character and appearance issues, it was also refused on the basis of a lack of visibility splays with GBC stating, 'with no adequate vision splays, the development has resulted in a highway safety impact.'
- 6.24 Again, this view was not shared by KCC Highways and Transportation who stated there would be no objections to the proposal as long as the following were achieved:

- Provision of measures to prevent the discharge of water onto the highway
- Provision and permanent retention of the vehicle parking spaces shown on the submitted plans prior to the use of the site commencing
- Use of a bound surface for the first 5m of the access from the edge of the highway
- Provision and maintenance of 2m x 2m pedestrian visibility splays behind the footway on both sides of the access with no obstruction over 0.6m above the footway level prior to the use of the site commencing.

6.25 However, the Inspector states 'that prospect would be little different to the current accesses to myriad properties in the surrounds. Given the sporadic nature and limited duration of manoeuvres, which would occur at low speed, and the relatively wide footway I consider that the safety of pedestrians would not be unduly compromised in this particular instance. Furthermore, there is no evidence that any incidents involving vehicles and pedestrians have been recently reported in the locale.

6.26 They go onto conclude in both appeal decisions that the developments will not have a detrimental impact on highway safety which should be applied in this application.

6.27 This decision in connection with APP/K2230/D/24/3351002 support that accesses onto Old Road West will not be detrimental to highway safety.

c) Warner House - APP/T2215/W/20/3251527 (Appendix 3)

6.28 Lastly, the application at Warner House in Dartford was originally refused by Dartford Borough Council due to the effect of the use of the access on highway safety.

6.29 In the appeal decision it was stated KCC was of the view that the access was substandard due to the limited forward visibility. The final figures were deemed to be 15m to the west and 28m to the east which contends the 43m by 2m that should be available as set out in MfS1 and MfS2.

6.30 However, the appeal decision goes onto make clear that 'given what is stated in MfS1 and MfS2, the provision of visibility splays of up to 43m by 2m appears to be applicable at junctions between 'major and minor arms', rather than a junction between a road and an access serving a few dwellings'.

- 6.31 It finally concludes that the development's use of access would not have an adverse effect on highway safety.
- 6.32 The three above appeal decision both within and outside of Gravesham suggests that the standards held by KCC when it comes to domestic accesses.
- 6.33 37 Old Road West, 20 Old Road West and Warner House do not meet the 43m by 2m required set out in the Manual for Streets, however the decisions show that this is not a factor of detriment for this application.
- 6.34 The pedestrian visibility splays on the proposed drawings show these as being 2m each way at a height of 0.6m to ensure maximum safety for pedestrians. The vehicle visibility is also shown on the plans, despite it not being required
- 6.35 The proposed soft landscaping is considered to not impact the visibility of either pedestrians or vehicles given its height. Additionally, it will not adversely impact the space standards for the proposed parking space.
- 6.36 Furthermore, the proposal is in line with the MfS, and the four criteria set out in paragraph 7.9.2 for emerging from property frontages which are as follows:
- a) The speed and volume of traffic on the street – *The B261 is a 30mph road showing the traffic is not fast moving so with the correct vision splays for pedestrians, the harm to highway safety will remain low.*
 - b) The possibility of vehicles turning around within the property where this is possible – *There will be no turning circle proposed as a result of the capacity of the parking area, there is only one space so it will not be required. Moreover, the application at number 20 does not provide evidence of a turning circle and no issues were raised by KCC transports.*
 - c) The presence of gathered accesses if individual accesses are not considered acceptable – *This is not relevant to the Site*
 - d) The distance between the property boundary and the carriageway – to provide adequate visibility for the emerging driver. – *As shown in the plans, there is adequate visibility for pedestrians and vehicles emerging.*
- 6.37 Additionally, the road does not show evidence of exceeding a 10,000 car-a-day limit which as set out by MfS 1,
- 6.38 Also, there is no indication that traffic in excess of 10,000 vehicles per day on roads with frontage accesses would indicate a decline in road safety.

- 6.39 Another key point to the visibility would be the existing single and double yellow lines. It further suggests that the vehicular visibility will not be obstructed by parked cars along the street as it forbids people to do so.
- 6.40 The single yellow lines shown in the images below demonstrate how the sight lines will not be hindered. Number 16 has single yellow lines directly outside of the proposed access, in turn further proving the point of safety.



- 6.41 The Google Image of the street highlights the lack of on-street parking further supporting that the access will not be hindered by parked cars.
- 6.42 Further key information, which has been previous mentioned by the Inspector, would be that the majority of the properties along Old Road West already benefit from vehicular accesses onto driveways, some of which have similar sight lines to number 16.
- 6.43 Although some of the driveways may have been secured under previous legislation or without planning permission in other cases , it shows evidence that they are functional and safe as shown by the accident data above.

2. Impact on Landscape

- 6.44 As shown in the proposed elevations, there will be additional soft landscaping proposed at the subject site as to make up what will be lost as a result of the access.
- 6.45 There will be a proposed bush on the west side of the existing garden in order to enhance the soft landscaping as well as the use of permeable block paving as opposed to solid hardstanding.
- 6.46 This will further enhance the appearance of the Site as well as contributing to the drainage on the Site, ensuring that there is no excessive water runoff onto Old Road West.
- 6.47 As set out above, paragraph 10.21 of the Householder Extensions/Alterations Design Guide SPD sets out the criteria for the laying of hard surface to the front garden of houses which are as follows:
- 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. – *As shown in the drawings, the driveway will not cover the entire front garden space; the pathway to the front door has been retained as well as the proposed soft landscaping on the west elevation.*
 - Allow sufficient space between the car and the dwelling to allow access to the front door and side of the property. 1 metre should be the minimum space between or around car parking spaces – *The proposed parking space will not impact the access to the front door or side gate, so this is not relevant.*
 - Front garden parking must be designed to avoid cars overhanging the pavement. Car parking spaces a minimum of 2.5m wide (2.7m where spaces adjoin an enclosed boundary) and 5m deep should be provided. – *The driveway is 5m in length and 4m in width with the parking space being 5m in length and 2.5m in width so therefore abides by the above measurements.*
 - Should not include gates. Where gates already exist, they must not open outwards and should allow enough space for them to be opened inwardly (if relevant) whilst a car is parked. – *There is no proposed gates for the development therefore it does not clash with this policy.*
 - Gates should enable a pedestrian on the footway to have clear visibility of any vehicle exiting (i.e. they should be railings or have some form of transparency) and should not be of a height that blocks visibility of passing pedestrians and

should enable visibility from the footway. – *There is no proposed gate, so this is not relevant.*

- Avoid removing any existing trees or established hedges and introduce new planting wherever possible. – *the existing hedge to be lost is considered to be made up for by the proposed planting on site*
- Introduce permeable paving to new areas of hardstanding to minimise rainwater run-off issues, as per the requirements of Permitted Development. – *The use of grey permeable bound gravel will reduce the chance of run off into the main carriageway and pedestrian access.*
- There should be no water run-off from the forecourt onto the public highway. – *This again will be resolved by the permeable surface being used for the parking aspect of the driveway. Also, the greenery will aid the reduction of surface runoff.*
- Where loose surfacing is proposed, a minimum of 1m depth of non-loose hardstanding should be provided at the front edge of the driveway with the public highway – *There will be 1m of non-loose hardstanding between the driveway and the public highway.*
- Repair or restore any original decorative tiled paths that are a characteristic or historic feature of the existing dwelling. – *There is no existing historical features to the property, so this is not relevant.*
- Pedestrian and vehicle visibility splays should be provided. – *Visibility splays are shown on the proposed block plan*

6.48 Although it could be suggested that the removal of the existing hedge, that is adjacent to the road, it is considered that the proposed soft landscaping mitigates any impacts of its loss.

6.49 It is also considered that the existing hedge hold little to no value to biodiversity which is confirmed by the recent appeal decision at 20 Old Road West (3349193), which is detailed in appendix 2.

6.50 The Inspector concludes that '*the removal of the hedge and an area of grass would be unlikely to provide a valuable habitat for wildlife, and I have no robust evidence, for example from a qualified ecologist, that their loss is harmful to biodiversity*'.

6.51 The Inspector also states that a condition requiring additional planting would resolve any concern in this respect. The Applicant is happy to accept any questions in relation to soft landscaping to mitigate any impacts of the hedge to be lost.

6.52 Therefore, it is considered that this approach can be taken at 16 Old Road West.

3. Parking Provision

- 6.53 The Gravesham SPG4 states that the maximum number of parking spaces for a 3-bedroom dwelling is 2.
- 6.54 Currently, 16 Old Road West has no existing parking spaces. Therefore, the addition of the proposed development will remain under the number of parking spaces allowed for a dwelling of this size.

7 Conclusions

- 7.1 As shown above, the proposed development shows evidence of abiding by all the relevant policies and documents.
- 7.2 The driveway will have a sufficient supply of landscaping shown by the greenery as well as the loose gravel being used for the driveway. As well as this, the path that provide access to the front door will be retained in order to not affect the wider character.
- 7.3 Furthermore, as shown above, and in accordance with Manual for Streets, the driveway will supply sufficient visibility for both cars and pedestrians.
- 7.4 In consideration of all relevant development plan policies and material considerations, this application should be viewed positively by the authority, and it is respectfully requested that this submission is approved

8 Appendices

Appendix 1 – Appeal decision for 37 Old Road West (APP/K2230/D/24/3351002)



The Planning Inspectorate

Appeal Decision

Site visit made on 31 October 2024

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 November 2024

Appeal Ref: APP/K2230/D/24/3351002

37 Old Road West, Gravesend, Kent DA11 0LH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Andrew Pitches against the decision of Gravesend Borough Council.
 - The application reference is 20240534.
 - The proposed development is for formation of vehicular access on to B261 and provision of one off-street parking space in front garden with associated hard standing.
-

Decision

1. The appeal is allowed and planning permission is granted for the formation of vehicular access on to B261 and provision of one off-street parking space in front garden with associated hard standing at 37 Old Road West, Gravesend DA11 0LH in accordance with the terms of the application reference 20240534, subject to the following conditions.
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 01, 03, 04A.
 - 3) The landscaping and planting shown on drawing no. 03 shall be carried out in full during the first available planting season following the installation of the scheme hereby approved. Any trees or plants that die, are damaged, removed or become diseased within five years from the date that the soft landscaping scheme is implemented shall be replaced with a species of a similar size and species during the next available planting season.

Main Issue

2. The main issue in the consideration of this appeal is the impact of the development on highway safety.

Reasons

3. The appeal site is a semi-detached house on Old Road West, a class 'B' road that runs in the direction of Northfleet town centre. The residence lies within a row of properties of similar size and appearance between the junctions with Singlewells Road and Woodfield Avenue.

<https://www.gov.uk/planning-inspectorate>

Appeal Decision APP/K2230/D/24/3351002

4. At my site visit I saw myriad hardscaped frontages are evident in the street scene, creating off-street parking spaces for the houses along both sides of Old Road West; the proposal introduces a similar arrangement with vehicular access and hardstanding to the front of the appeal site.
5. Vehicular manoeuvres across the public footpaths into and out of local accesses are a common feature along Old Road West, although these are approached with caution. The Council states that appropriate sight lines would not be achieved at the site entrance. I recognise that a vehicle emerging from the driveway, with the driver having restricted views of other road users, is an obvious safety threat.
6. However, that prospect would be little different to the existing accesses to numerous properties elsewhere along Old Road West. Due to the infrequency and short duration of such manoeuvres and the low speeds involved, I find that highway safety would not be unduly compromised in this particular instance. Furthermore, I note that the Local Highways Department does not object to the scheme, and whilst the Council has highlighted two accidents in the 5 year period 2018 to 2022, there is no indication whether these were as a result of vehicles entering or exiting driveways.
7. I have read the appeal decision referred to by the Authority (Inspectorate reference APP/K2230/D/23/3329520), which relates to a crossover elsewhere in the environs of Gravesend. I note that this would have involved a vehicle having to negotiate a well-used layby to reach the main highway, and that there is "continuity to the garden frontages along this stretch of London Road", which would imply that there are no other accesses to houses within the area, both of which are not the case in this instance. I therefore consider that the cited appeal is not comparable to that before me.
8. I conclude that the development would not have a detrimental impact on highway safety. It would comply with Policies CS11 and CS19 of the Gravesham Local Plan Core Strategy 2014, Policy T5 of the Local Plan First Review (1994) and the Householder Extensions/Alterations Design Guide Supplementary Planning Document 2021.

Conditions

9. I have considered the imposition of conditions in light of advice in Planning Policy Guidance and the Framework. In addition to the standard implementation condition, the approved plans are listed for certainty. A condition requiring the completion of the landscaping scheme is necessary to ensure that the proposal integrates with the site and surrounding area and provides for biodiversity.

Conclusion

10. In respect of the foregoing and all other factors, I allow the appeal.

C Hall

INSPECTOR

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Appendix 2 – Appeal decision for 20 Old Road West - APP/K2230/D/24/3349193

The Planning Inspectorate

Appeal Decision

Site visit made on 31 October 2024

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 November 2024

Appeal Ref: APP/K2230/D/24/3349193**20 Old Road West, Gravesend, Kent DA11 0LJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Vidal Rollings Bull against the decision of Gravesend Borough Council.
 - The application reference is 20240358.
 - The proposed development is the demolition of front wall, creation of vehicle access and driveway to front with installation of a dropped kerb and associated works to pathway.
-

Decision

1. The appeal is allowed and planning permission is granted for the demolition of front wall, creation of a vehicle access and driveway to front with installation of a dropped kerb and associated works to pathway at 20 Old Road West, Gravesend DA11 0LJ in accordance with the terms of the application reference 20240358 and the plans submitted with it (drawing nos. 10, 11, 100A and 200), subject to the following condition:

1) Unless within 3 months of the date of this decision a landscaping scheme is submitted in writing to the local planning authority for approval, and unless the approved details are implemented within 3 months of the local planning authority's approval, the development shall be removed. The landscaping works shall be carried out in accordance with the approved details, and with the agreed implementation programme. The completed soft landscaping scheme shall be retained for the lifetime of the development. Any trees or shrubs which die, or are damaged, removed or seriously diseased shall be replaced by those of a similar size and species to those originally planted.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

Preliminary Matter

2. At my site visit, I saw that the hardstanding is complete and the application has been submitted retrospectively. I have dealt with the appeal on this basis.

Main Issues

3. The main issues are the impact of the development on a) the character and appearance of the host dwelling and local area; b) highway safety; and c) biodiversity.
-

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Reasons

Character and appearance

4. The appeal property is a semi-detached residence that fronts Old Road West, a class 'B' road that runs in the direction of Northfleet town centre. The dwelling lies within a row of properties of analogous scale and design between the junctions with Elmfield Close and Windmill Street.
5. I observed that numerous other hardscaped frontages are evident in the vicinity, creating off-street parking spaces for the houses along both sides of Old Road West; the proposal introduces a similar arrangement with vehicular access and hardstanding to the front of the appeal site. It appears to be a well-designed and maintained scheme, constructed in materials that integrate with the surrounds. Therefore, whilst the loss of the previous low level brick wall, hedge and lawn are regrettable, the alteration to the frontage is not significant taking into account the local context.
6. In my view, the appeal scheme could be further enhanced subject to a landscaping condition to ensure provision of appropriate additional planting, which can be created in the beds shown on the block plan and adjacent to the bay window. The considerable variety in the appearance of frontages in the area ensures that the development would then assimilate without causing undue harm to the visual amenity of the locale.
7. I find that there would be no adverse impact on the character of the host dwelling and local area as a result. The proposal would meet Policy CS19 of the Gravesham Local Plan Core Strategy 2014 (CS) and the Householder Extensions/Alterations Design Guide Supplementary Planning Document 2021 (SPD), which seek to secure new development of acceptable scale and appearance. It would also be consistent with the National Planning Policy Framework which states that good design is a key aspect of sustainable development.

Highway safety

8. Manoeuvres across the public footpaths into and out of local accesses are a common feature along Old Road West, although these are approached with caution. The Council states that appropriate pedestrian visibility splays would not be achieved at the site entrance. I acknowledge that a vehicle emerging from the driveway, with the driver having restricted views of footpath users, is an obvious safety hazard.
9. However, that prospect would be little different to the current accesses to myriad properties in the surrounds. Given the sporadic nature and limited duration of manoeuvres, which would occur at low speed, and the relatively wide footway I consider that the safety of pedestrians would not be unduly compromised in this particular instance. Furthermore, there is no evidence that any incidents involving vehicles and pedestrians have been recently reported in the locale.
10. I therefore conclude that the scheme does not cause an adverse effect on highway safety and generally accords with Policies CS11 and CS19 of the CS, Policy T5 of the Local Plan First Review (1994) and the SPD.

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Biodiversity

11. The removal of the hedge and an area of grass would be unlikely to provide a valuable habitat for wildlife and I have no robust evidence, for example from a qualified ecologist, that their loss is harmful to biodiversity.
12. I am satisfied that a condition requiring additional planting would resolve any concerns in this respect, to include the area adjacent to the front bay window. The proposal would meet with policy CS12 of the CS that seeks opportunities to enhance and maintain habitats in the Borough. It would also be consistent with the Framework, which states that planning decisions should enhance the natural and local environment.

Conditions

13. I have considered the imposition of conditions in light of advice in Planning Policy Guidance and the Framework. As the development has already been carried out, it is not necessary or possible to impose the standard time limit and plans conditions, although I have listed the application drawings in my decision so it is clear what was submitted.
14. The existing planting in the beds can be boosted and a condition requiring the submission of a more substantial landscaping scheme is necessary to ensure that the proposal integrates with the site and surrounding area and provides for biodiversity. Given the importance of the landscaping scheme in association with the supporting walls I consider it to be necessary for the lifetime of the development.

Conclusion

15. Having regard to all matters before me and the analysis above, the appeal succeeds.

C Hall

INSPECTOR

Appendix 3 - Appeal decision for Warner House - APP/T2215/W/20/3251527

The Planning Inspectorate

Appeal Decision

Site visit made on 22 February 2021

by Grahame Gould BA MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th April 2021

Appeal Ref: APP/T2215/W/20/3251527**Warner House, Cotton Lane, Stone, Dartford DA9 9BF**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Jamie Perfitt against the decision of Dartford Borough Council.
 - The application Ref DA/18/01501/FUL, dated 13 November 2018, was refused by notice dated 8 November 2019.
 - The development proposed is described as 'to erect a 3 bed detached home on the site of the former garden to Warner House terraces'.
-

Decision

1. The appeal is allowed and planning permission is granted for a detached house at Warner House, Cotton Lane, Stone, Dartford DA9 9BF in accordance with the terms of the application, Ref DA/18/01501/FUL, dated 13 November 2019, subject to the conditions set out in the Schedule of Conditions below.

Applications for costs

2. Applications for costs have been made by Mr Perfitt against Dartford Borough Council and Kent County Council. Those applications are the subject of separate Decisions.

Main Issues

3. The main issues are:
 - the effect of the development on the character and appearance of the area;
 - the effect of the use of the access on highway safety; and
 - whether the site would be an appropriate location for an infill dwelling.

Reasons*Character and Appearance*

4. The development would involve the construction of a two storey, two bedroom house. The appeal site is an irregularly shaped and has been described as being former garden. The site is set back from Cotton Lane and is elevated, rising from a little over one metre to two metres above the level

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of Warner House's forecourt parking area. Warner House being a two storey building, with basement, that now accommodates three dwellings.

5. The house would be orientated at right angles to and a little up slope of Warner House and would be set back from Cotton Lane by 27 metres¹. Given that siting the house would be discretely situated, with a little under half of its Cotton Lane facing elevation being screened from view by Warner House. I consider there would only be fleeting views of the house and that it would not have a domineering appearance within the streetscene.
6. While the house would be of a simple but inoffensive design, and I consider its appearance would be acceptable and that it would neither detract from the appearance of Warner House nor be at odds with the properties on the northern side of Cotton Lane, including the 16 terraced houses being built at the time of my site visit². I also consider that the provision of an additional dwelling at this point in Cotton Lane would be in keeping with the character of the area within the immediate proximity of the site, given the presence of the existing dwellings and those currently under construction.
7. I conclude that the development would not be harmful to the character and appearance of the area. I therefore consider that there would be no conflict with Policies DP2 and DP7 of the Dartford Development Policies Plan of 2017 (the DDPP). That is because this development would: be acceptably scaled and sited relative to the neighbouring buildings; not be visually obtrusive; and retain the character of the area, while achieving a satisfactory quality of residential development.
8. The second reason for refusal cites conflict with Policy DP5 of DDPP. However, Policy DP5 addresses a range of matters concerning environmental and amenity protection rather than the visual effects of new development. I therefore consider Policy DP5 is not relevant to the concerns identified in the second reason for refusal.

Highway safety

9. Warner House's forecourt parking area is shown on the existing site plan as being capable of accommodating up to four cars without a turning facility. This forecourt area has a direct vehicular access (the access) onto Cotton Lane, a C class road (the C281³), which immediately to the east becomes Elizabeth Street. The access appears to have been created without the benefit of planning permission, with the appellant contending that it has become lawful through the passage of time.
10. Cotton Lane and Elizabeth Street are both subject to a 30mph speed limit. Cotton Lane, for much of its length being wide enough for a single vehicle, with passing places, and it has no footway⁴ and limited streetlighting. Elizabeth Street is wide enough for vehicles to travel in opposite directions and along the whole of its southern side there is a footway and streetlighting.
11. It is proposed that the forecourt area would be extended to enable: four parking spaces to be made available to Warner House's occupiers; two parking spaces

¹ Paragraph 4.3 of the appellant's appeal statement

² Subject to planning permission DA/14/00028/FUL

³ Paragraph 1.3 of the appellant's highway appeal statement

⁴ A stretch of footway will be provided on the northern side of Cotton Lane in association with the development subject to planning permission DA/14/00028/FUL (paragraph 4.1 of the appellant's highway appeal statement)

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to be provided for the proposed house; and a turning area to be formed for the use of the occupiers of all four properties.

12. The highway authority (Kent County Council [KCC]) is of the view that the access is 'substandard' because of the limited forward visibility afforded when emerging onto Cotton Lane. KCC has assessed the forward visibility as being 15 metres to the west and 28 metres to the east and contends visibility splays of 43 metres by 2.0 metres should be available, based on the guidance contained in 'Manual for Streets' (MfS1 and MfS2⁵). However, given what is stated in MfS1 and MfS2 (text and diagrams) the provision of visibility splays of up to 43 metres by 2.0 metres appears to be applicable at junctions between 'major and minor arms' (roads), rather than a junction between a road and an access serving a few dwellings.
13. The presence of an extra house would increase the use of the access. However, this development would utilise an access onto a 'C' class road and there is agreement that in each of the morning and evening peak hours⁶ there would be around one half of an additional vehicle movement.
14. The daily additional peak and non-peak use of the access is therefore likely to be modest. In that regard the increased use of this access does not appear to have been a matter of concern to KCC when planning permission DA/17/00602/FUL was granted for the conversion of 1 Warner House into two dwellings. While a safety concern has been raised there is no evidence of the access' use contributing to any accidents. So, while the available forward visibility, particularly to the west, for drivers emerging onto Cotton Lane would be limited I do not consider that the use of this access is inherently dangerous. That is because the access is already accommodating the vehicular movements generated by three dwellings without adversely affecting highway safety. In that regard the limited forward visibility that is available I consider is likely to encourage a cautious approach to the access' use.
15. Some traffic calming works are due to be undertaken in association with the development subject to planning permission DA/14/00028/FUL. Those highway works being subject to an extant agreement under Section 278 of the Highways Act 1980⁷ and will include the installation of a speed cushion with a road narrowing not far west of the access. KCC contend that '*There is little evidence that this isolated scheme will slow speeds below the posted speed limit*'. That proposition seems implausible, because if the installation of the speed cushion and road narrowing were not intended to reduce vehicle speeds, then there would be no reason for their installation. I am therefore not persuaded that following the undertaking of the traffic calming works there would not be some reduction in the speed of vehicles travelling in both directions within the immediate vicinity of the access. I also accept the appellant's view that if a conflict between eastbound traffic and vehicles emerging from the access was likely to arise, then what is now an approved road narrowing, would have been unlikely to have passed the safety auditing undertaken in connection with the Section 278 procedure.

⁵ 'Manual for Streets' (MfS1) and 'Manual for Streets Wider application of the principles' (MfS2) having respectively been published in 2007 and 2010

⁶ Morning between 08:00 and 09:00 and evening 17:00 and 18:00

⁷ Paragraph 4.2 and Appendix 7 of the appellant's highway appeal statement

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16. Any possible conflict between the increased use of the access would, in any event, only arise should there be vehicles passing by the access at times when a vehicle was also in the process of emerging onto Cotton Lane. That would potentially be a low frequency occurrence, given the modest traffic generating nature of the appeal development.
17. The provision of a turning area would potentially enable all vehicles entering or existing the forecourt area to do so in a forward gear. The provision of the turning area would not address the forward visibility for drivers emerging onto Cotton Lane that lies at the heart of KCC's concern. However, the availability of a turning area would potentially end the need for vehicles using the access to either reverse in or out of the forecourt area and I consider that would reduce the potential for less safe reversing manoeuvres and would be advantageous.
18. I conclude that the development's use of the access would not have an adverse effect on highway safety. I therefore consider that the development would accord with Policies DP3, DP4, DP5 and DP7 of the DDPP because it would not result in a 'severe impact' on the safety of road users, with the vehicular access arrangements for the new development being appropriate, having regard to highway capacity and safety. I also consider that there would be no conflict with paragraph 109 of the National Planning Policy Framework (the Framework) because there would be no '... unacceptable impact on highway safety ...'.
19. The first reason for refusal contends that there would be 'significant harm to ... amenity'. However, neither the Council's officer report nor appeal statement elaborate on what the alleged harm to amenity (living conditions) might be. For completeness, I consider that the additional use of the access would not cause unacceptable disturbance to the occupiers of Warner House or increased on-street parking and in those regards there would be no conflict with Policy DP7(3)(d) of the DDPP.

Location

20. The appeal development concerns an unallocated site and is a residential windfall site for the purposes of Policy CS10(4) of the Dartford Core Strategy of 2011 (the CS). The suitability of residential windfall sites is to be considered in line with Policy CS10(4) and the guidance contained in the Council's Housing Windfall Supplementary Planning Document of 2014 (the SPD). The SPD explains that windfall development is to be managed to ensure that the Council's strategy for the delivery of housing within three priority areas and/or on large scale previously developed land (PDL) is not undermined and that any such development is sustainable and does not place undue pressure upon the available infrastructure.
21. Building upon the provisions of Policy CS10(4), Policy DP6(2) of the DDPP sets out the policy for the consideration of 'sustainable residential locations'. Policy DP6 specifically addresses 'unplanned windfall residential development and states that such development may be permitted following an assessment that accords with Policy CS10(4) and (5) and Policy DP6(2) and (3). Under Policy DP6(2) there are three assessment criteria (a to c) which relate to proposals for 'five or more dwellings' and those criteria are not applicable in this instance. Policy DP6(3) states '*Residential development should provide evidence proportionate to the scale of the proposal that it will not result in*

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unacceptable or unforeseen cumulative impacts on social, community or green infrastructure that cannot be mitigated’.

22. Given the site’s state of disuse there is disagreement between the appellant and the Council as to whether this proposal would concern either a greenfield site or PDL. PDL is defined in Annex 2 of the Framework as being ‘Land which is or was occupied by a permanent structure, including the curtilage of the developed land ... This excludes: ... land in built-up areas such as residential gardens ...’. The site was formerly used as garden land in connection with Warner House’s occupation and it is currently unused. While it is unclear how the site might lawfully now be used, for the purposes of the determination of this appeal I consider it reasonable to consider the most likely use for the site would be as garden land. The Council contends that the site should be considered as greenfield land, because it was formerly used as garden land and is located in a built up area, thus excluding it from the definition for PDL. The appellant by contrast has argued that the site should be viewed as being outside ‘any existing communities’ with the site being situated between the built up areas for Stone and Greenhithe.
23. I am of the view that this site cannot sensibly be said to be outside the built up area, given just how much built development there is within a few hundred metres of it to the north (ie to the north of the railway line) east, south and west. I consider that the site might best be characterised as being situated within an enclave of underutilised land within the urban area that lies between Cotton Lane, Stone Place Road and London Road. However, the character of the western half of that area of underutilised land is set to change with the construction of a school and some housing and the provision of an extensive tract of public open space⁸.
24. On the information available to me I therefore consider that this site does not come within the definition for PDL. However, that said I do not consider that this site can be said to be greenfield land in its truest sense because it has previously been in use as garden land. If I am incorrect in reaching the latter view, I consider that the resulting conflict with Policies CS10(4) and DP6(3), of itself, should not amount to a reason for withholding planning permission in this instance. That is because I consider the provision of one house on an unallocated site, of itself, would not frustrate the bringing forward of much larger numbers of new homes on PDL. I am also of the view that the provision of a single dwelling in this location would be very unlikely to generate a level of infrastructure demand that would interfere with the bringing forward of much larger schemes on PDL.
25. The Council has suggested that the location of the site relative to everyday services and facilities would mean that there might be a high dependency on car usage amongst the occupiers of the house. I do not find that proposition to be persuasive, given that the house would be located within what is essentially a built up area. In that regard I consider that the walking and cycling distances to train and bus services or other facilities such as schools and shops would not be so unreasonable as to act as a major deterrent and cause the occupiers of the house to be reliant on car usage.
26. I am also of the view that the consideration of the appeal development cannot be undertaken in isolation from the 18 houses in Cotton Lane granted

⁸ As shown on the masterplan included as Appendix 8 to the appellant’s appeal statement

planning by the Council in the last ten years or so under application references DA/10/00498/FUL and DA/14/00028/FUL. The later of those permissions having been granted permission in March 2014 and was for 16 houses and a multi-use hall just to the west of Warner House. The accessibility to everyday services and facilities amongst the occupiers of those 16 houses would essentially be the same as that for the occupiers of the house subject to this appeal. This location seemingly having been no impediment to the granting of planning permission for the aforementioned 16 houses, with their permission postdating the CS's adoption.

27. No information concerning the granting of permission DA/14/00028/FUL has been submitted by either the appellant or the Council and I do not know the circumstances that led to that permission. However, having seen where the 16 houses are located, I fail to see how the appeal development would be in a location that can now be construed as being materially less accessible to everyday services and facilities.
28. Attention has been drawn to two dismissed appeals, Downs Lodge⁹ and Tudor Court¹⁰, for which the Inspectors identified unacceptable conflict with Policy CS10. In determining those appeals, the Inspectors found that the occupiers of the proposed dwellings would have poor access to public transport services and other local facilities. In considering the proposal before me I have found that there would be an acceptable level of access to everyday services and facilities. I therefore consider that the proposal before me is distinguishable from the proposals concerning Downs Lodge and Tudor Court.
29. For the reasons given above I conclude that this would be an appropriate location for an infill dwelling. Although there would be some conflict with Policy CS10(4) of the CS and Policy DP6 of the DDPP, because this proposal would concern a windfall site, I do not consider that conflict of itself to amount to a bar to planning permission being granted in this instance. That is because I have found in accessibility terms this would be a sustainable location for one dwelling, with the occupation of the house having no adverse effect on infrastructure capacity in the area. For the reasons given above, in considering the development's effects on the character and appearance of the area and highway safety, I have also concluded that there would be no other harms.
30. The third reason for refusal cites conflict with Policy CS1 (spatial pattern of development) of the CS. Policy CS1 seeks to maximise regeneration benefits, by focusing new development within three priority areas. One of those areas is the Ebbsfleet to Stone Priority Area, where the intention is to bring back into productive use former quarries. While the appeal site is within the Ebbsfleet to Stone Priority Area¹¹ the Council has provided no explanation within its appeal evidence as to why the appeal development would be contrary to Policy CS1. Given the scale of the appeal development and no indication that the availability of the site would help in bringing a former quarry back into productive use, I consider there to be no conflict with Policy CS1. I am therefore of the view that this proposal would not frustrate the spatial pattern for development identified in the CS.

⁹ APP/T2215/W/17/3173649

¹⁰ APP/T2215/W/18/3198564

¹¹ Based on Diagram 5 which accompanies Policy CS4 of the CS

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31. There is disagreement about the relevance of Policy CS4 of the CS to the consideration of this proposal. Policy CS4 specifically concerns the Ebbsfleet to Stone Priority Area and amongst other things it identifies this area as being the location for the provision of 7,850 homes by 2026. The appeal development would make an extremely small contribution to the delivery of new homes intended for the priority area. While the appeal development would therefore comply with Policy CS4, I consider that compliance with the development plan is not determinative in this instance.

Other Matters

32. Concern has been raised that the proposed development would affect the receipt of light to and outlook from Warner House. I consider the siting and orientation of the proposed house relative to Warner House would mean that there would be no adverse effects for the occupiers of Warner House with respect to the receipt of light or outlook. Any adverse overlooking of neighbouring gardens could be addressed through the installation of boundary fencing, a matter capable of being addressed through the imposition of a condition.
33. There is potential for the construction works to cause some inconvenience to the occupiers of Warner House, however those works would be of a temporary nature and some aspects would be capable of being controlled through the imposition of a condition, something I return to below.
34. Matters relating to land ownership, including what any Deeds may or may not permit, are not planning considerations and are not for my consideration. Similarly, any structural effect that the development might have upon adjoining properties would be a civil matter rather than a planning one.

Conditions

35. I have considered the need for the imposition of conditions, having regard to the Council's nine suggested conditions and the provisions of the national policy and guidance for the use of conditions.
36. Apart from the standard time limit condition, it is necessary that the development be built to accord with the submitted plans for certainty. To safeguard the appearance of the area it is necessary for conditions requiring details of the external materials and boundary enclosures be submitted to the Council for approval. To ensure the availability of on-site parking for the occupiers of the development and Warner House and to safeguard the operation of the public highway it is necessary that a condition be imposed requiring the provision of the parking and turning facilities for the duration of the development's occupation.
37. The third suggested condition would require a construction method statement to be submitted for the Council's approval prior to the development's commencement. Matters covered by the suggested condition are intended to minimise the construction effects upon the occupiers of the adjoining dwellings and the operation of the public highway. The appellant has objected to the imposition of this condition because of the development's modest scale. Although only one house would be constructed that would be in close proximity to Warner House and there would be potential for the works to adversely affect the living conditions of the occupiers of that property. The

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injudicious use of the public highway for loading/unloading and the storage of plant and equipment could also adversely affect its operation. I therefore consider that the suggested condition should be imposed. That said I see no need for the installation of security hoardings to be covered by an approved statement given the scale of this development.

38. Given the site's proximity to the former 'Stone Pot 1' landfill site I consider it reasonable for landfill gas mitigation measures to be incorporated into the development's design. I have therefore imposed a condition requiring the implementation of the mitigation measures recommended in the submitted Preliminary Environmental Risk Assessment report.
39. The fourth suggested condition would require approval of the details for the proposed retaining wall along the site's western boundary to safeguard the appearance of the area. Any retaining wall along the site's western boundary would be modest in scale and discretely located and is unlikely to be a tall structure. I therefore consider that there is no need for the suggested condition.
40. The ninth suggested would remove the permitted development rights for the construction of extensions and other structures and additions. I consider there is no need for this suggested condition as the means to either safeguard the appearance of the area or the living conditions of the occupiers of Warner House, given the siting of the proposed house and the size of its plot. Nor do I consider it necessary for the imposition of this condition to address the proximity to the former landfill site, given the imposition of the previously mentioned mitigation condition.

Conclusions

41. For the reasons given above I have found that the development would have no adverse effect on the character and appearance of the area or highway safety, resulting in compliance with the parts of the development plan concerning those issues. In assessing the suitability of the site as the location for a house, I have found that there would be some conflict with Policy CS10 of the CS and Policy DP6 of the DDPP. However, under the circumstances of this case I consider that conflict represents a minor breach of part of the development plan and that when this proposal is assessed against the provisions of the development plan as a whole, there would be no unacceptable conflict.
42. As I have found that this development would result in no unacceptable conflict with the development plan as a whole, I consider there are no disbenefits that need to be weighed against any benefits. I therefore conclude that the appeal should be allowed.

Grahame Gould

INSPECTOR

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SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 00 002 (Location and Ownership plan); 00 003 (Proposed site plan); 00 004 (East and West elevations); 00 005 (North elevation); 00 006 (South elevation); 00 007 (Side elevation); 00 008 (Ground floor plan); 00 009 (First floor plan); and 00 010 (Road splay diagram).
- 3) No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall include details of:
 - a) wheel washing/the prevention of mud and debris on the public highway;
 - b) the loading and unloading of plant and materials;
 - c) the storage of plant and materials used in constructing the development;
 - d) the location and details of any generators;
 - e) measures to control the emission of dust, dirt, noise and vibration during construction works; and
 - f) the working hours, including the hours for deliveries.The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 4) Prior to the development proceeding above slab level, details and samples of the external facing materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 5) Gas remediation measures shall be implemented during the construction of the development in accordance with the recommendations stated in the Preliminary Environmental Risk Assessment report of 3 May 2019 prepared by Argyll Environmental. Prior to the occupation of the house a report verifying the implementation of the gas remediation measures, including the results from third party testing of the effectiveness of the measures, shall be submitted to the Local Planning Authority.
- 6) Prior to the occupation of the house hereby approved, details of all of the boundary enclosures shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved boundary treatment details and thereafter the approved boundary treatments shall be retained.
- 7) The car parking spaces and turning area shown on drawing 00 003 shall be made available for use prior to occupation of the house hereby approved. The parking spaces and turning area shall be kept available for such use at all times and no development, whether permitted or not by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) shall be carried out in the parking spaces or turning area that would preclude vehicle parking or turning.

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