



Delegated Report

Householder Planning Application

Application No: 20220832

Location: 1 Warwick Gardens, Meopham, Gravesend, Kent, DA13 0PJ

Description: Erection of two metre high garden fence to the front/side east garden area

Applicant: Mr Kerim Turkmen

Site Visit: 16th June 2022

Submitted Documents/Plans

Application Form - dated 26/07/2022;
Covering Letter - dated 20/07/2022;
Ordnance Survey Site Location Plan (scale 1:1250);
Existing Block Plan (scale 1:500);
Drawing no. MAD-443-12 - Existing and Proposed Layout Plan.

Relevant Planning History

Reference	Description	Decision	Decision Date
20220478	Conversion of existing garage, removal of existing rear ground floor extension and erection of two storey rear extension with new drop kerb to extend existing driveway.	PERMITTED	29.06.2022
20000615	Erection of single storey side and rear extension to form garage, utility room and conservatory and continuation of the garage roof across the existing flat roofed front porch.	PERMITTED	16.10.2000

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 - Sustainable Development
- CS02 - Scale & Distribution of Development
- CS11 - Transport
- CS12 - Green Infrastructure
- CS18 - Climate Change
- CS19 - Development & Design Principles

Gravesham Local Plan: First Review (1994)

- P3 - Vehicle Parking Standards
- T5 - Access to the Identified Highway Network

Paragraph 33 of the NPPF (2021) sets out that policies within adopted local plans should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. Such reviews are also a legal requirement as set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012.

The Council undertook such a review in September 2019 and found that the adopted Local Plan Core Strategy is in need of a partial review in terms of Policy CS02, due to the increased need for housing since the Local Plan Core Strategy was adopted and the need to ensure that a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) generally conform with the NPPF (2021), the Council will also seek to replace these.

National Planning Policy Framework (2021)

- Section 2 - Achieving Sustainable Development
- Section 12 - Achieving Well-Designed Places

Supplementary Planning Guidance

- SPG 2 - Residential layout guidelines including Housing Standards Policy Statement October 2015 Adopted 1996 - amended June 2020
- Technical Housing Standards - Nationally Described Space Standard (2015)
- SPG 4 - KCC Parking Standards (2006)
- Householder Extensions/Alterations Design Guide (2021)
- Gravesham Landscape Character Assessment (2009)

Other Supplementary Planning Guidance

- Kent County Council Vehicle Crossing Guidance Self-Assessment (2018)

Consultations, Publicity and Representations

External Consultees

KCC - Highways and Transportation - this development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements. If there are any material highway safety concerns that you consider should be brought to the attention of the HA, then please contact us again with your specific concerns for our consideration.

Informative: It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.

Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the public highway. Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil.

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process.

Internal Consultees

GBC - Highways Officer - First, I must reiterate my statement regarding separate entrance and exits to a property. It is most unlikely Kent County Council would approve such works. The published guidance includes the following passage;

3. Separate entrance and exit

The general rule is that increasing the number of points on a highway where vehicles turn, increases the potential for traffic conflict. Therefore, applications for two access crossings to a single property, or a second access point where one already exists, will not normally be approved for domestic dwellings unless there is strong evidence that it will add significantly to highway safety. For such applications to be considered, the applicant will need to show:-

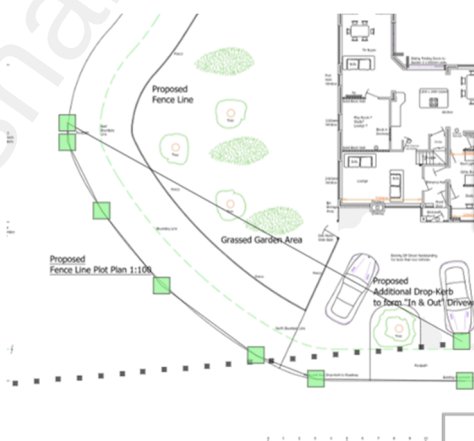
- How a second access will add to the safety of the access arrangements
- Why such added safety cannot be achieved from a single access, or by improving or repositioning an existing access.

Concerning the fence line, this should have a minimum of 2 metres constant set back from the edge of highway, to ensure that suitable forward and pedestrian visibility splays are maintained for people using the highway.

It is noted that the fence line would adversely affect the sight line for vehicles emerging from the driveway from the property, but given the proximity of the adjacent junction, vehicles should not be travelling at 30mph and so some reduction is possible.

To achieve a sight line suitable for a 25mph, the fence has to be set back approximately along the line shown below. The requirement being 2.4 metres measured along the centre line of the access from the channel edge and 33metres along the kerb face

Sight Line for 25mph 2.4m x 33m. There should be no hard or soft landscaping over 850mm in height



2m x 2m pedestrian visibility splay should be provided with nothing over 850mm high above footway level

Neighbouring properties

Thirteen surrounding properties were consulted and eight representations were received. The representations all registered objection to the development. For the purpose of this report the material and non-material planning considerations have been separated, as listed below (with only the material planning considerations being relevant to the decision):

Material Planning Considerations

- Impact on the open character of the area
- Visually unattractive/impactful
- Loss of Light
- Impede visibility/sightlines
- Increased likelihood of collisions
- Create a blind bend
- Removal of a street tree

Non-Material Planning Considerations

- Covenants on properties restricting fencing
- Loss of Property Value

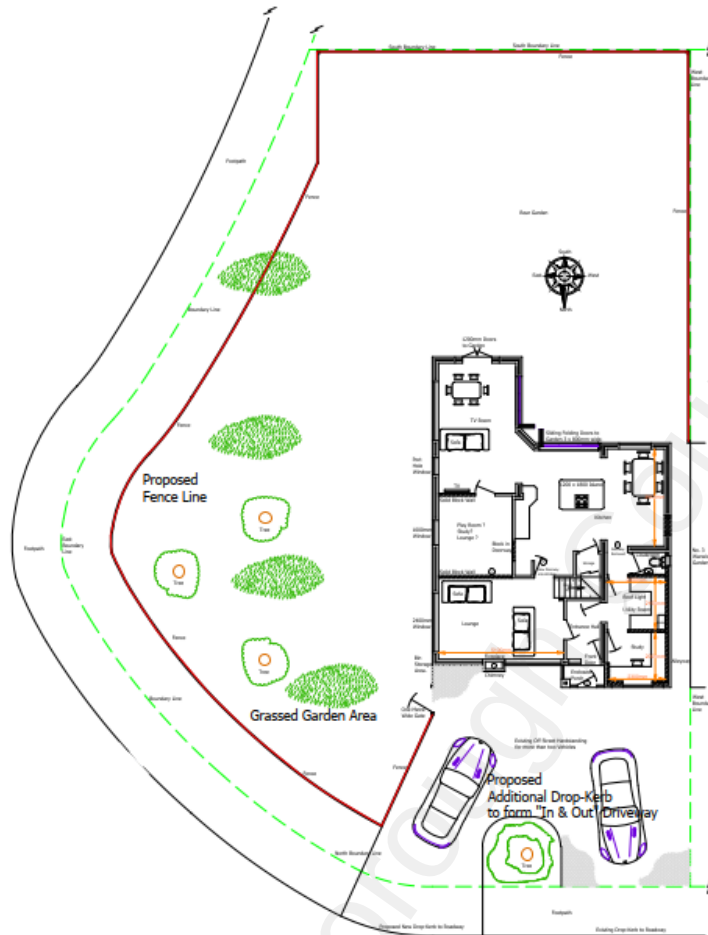
The consultation period expired 24th August 2022.

Officer's Analysis

1 Warwick Gardens is a detached two storey property located on the corner of Warwick gardens and Cheyne walk. There is land to the side of the property which is an open grass area, with a number of trees which is considered to contribute significantly to the quality of the street scene and open character of the area.



This application proposes the erection of a 2m close boarded perimeter fence. The fence would be constructed in a crescent shape, following the contour of the corner, and will be setback by 2m from the edge of the footway. The fence will project forward of the front elevation of the property, kicking back at an angle towards the flank wall of the dwelling (see screenshot below):



Design, Character and Appearance

The proposed fencing will significantly and detrimentally alter the character and appearance of the street scene. The open frontage and low boundary wall, as aforementioned in this report, forms part of the established and pre-planned character of the estate, as replicated elsewhere on the estate. The height and shape of the proposed fencing will significantly enclose the corner to the detriment of the open character.

There are some other properties within the estate that have undertaken similar developments on corner plots, however these developments have not extended beyond the front elevation and have not significantly enclosed a corner.



8 Cheyne Walk



9 Warwick Gardens

While it is acknowledged that a form of fencing could be constructed under permitted development, the proposed 2m fencing is poor development that is harmful to the character of the street scene and fails to positively contribute to the surrounding area and maintain the open character.

Therefore, in terms of design the fencing is contrary to Policy CS19 (Development and Design Principles) of Gravesham's Local Plan Core Strategy (2014) and Section 12 of the National Planning Policy Framework (2021) by virtue of its harmful impact to the quality and established character of the street scene.

Amenity of Future Occupiers

The proposed development will enlarge the private garden area of the application property. The existing garden has an area of approx. 151m², which significantly exceeds the minimum recommended garden area for a 4 bedroom property within Gravesham's Residential Layout Guidelines (RLG) (2020). Therefore, even though this space would be increased as part of the development, the creation of additional private amenity space is not required to meet the requirements of the RLG.

Nevertheless, the development would safeguard the amenity of future occupiers in accordance with Policy CS19 (LPCS) and Section 12 (NPPF).

Neighbouring Amenity

The development is not considered to impact on the amenity of neighbouring properties in terms of loss of light, overlooking, outlook or sense of enclosure. There were a number of objections received from neighbouring properties, the majority of the concerns raised did not relate to amenity, but 'Design, Character and Appearance' and 'Parking and Highways'. As such, the neighbour representations have been assessed in other sections of this report.

Some representations expressed concern with the development resulting in a loss of light and overshadowing. The proposed fence is 5.8m from the nearest property and at a height of 2m is not expected to result in any unacceptable overshadowing.

Overall, the proposal will safeguard the amenity of surrounding properties in accordance with Policy CS19 (LPCS) and Section 12 (NPPF).

Parking and Highways

The fencing is not considered to have any notable impact on pedestrian visibility splays by virtue of the 2m set-back from the edge of the footway.

However the property is located on a junction between Warwick Gardens and Cheyne Walk, and therefore the erection of a high-level fence along the front boundary might pose a risk to highway safety by impeding sightlines. Moreover, the driveway of no.10 Cheyne Walk adjoins the rear boundary of the application site. The Council's Highways Officer expressed concern with the proposal due to the sightlines.

The sightline requirements are measured from a point 2.4m back from the kerb along the centre of the road/drive, to a point 43 metres away measured along the nearside kerb line from the centre of the road/drive intersection with the kerb. Gravesham's Highways Officer has stated that the Y distance for this application could be reduced to 25m, as shown in the 20mph column taken from Kent County Council's vehicle crossing guidance (2016).

Carriageway visibility

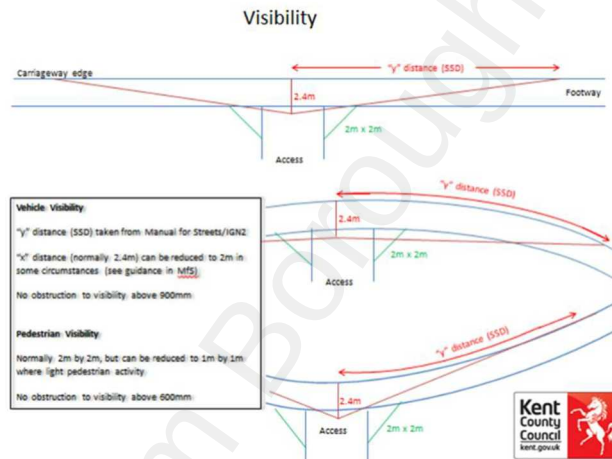
X-dimension: 2.0m from the kerb line

Y-dimension: based upon the following table:-

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

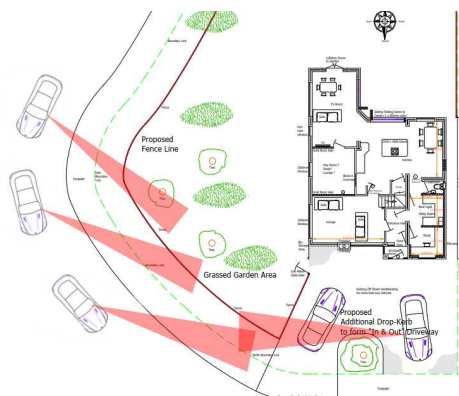
Together, the x and y-dimensions define an area in which there should be unobstructed visibility between a height of 1.0m and 2.0m above carriageway level. Street furniture and parked cars will often lie within the visibility splay and the impact of such obstacles will be assessed. In general though, obstacles that are not large enough to fully obscure a whole vehicle or pedestrian will be acceptable.

The visibility splay is a made up of two identical 90° triangles back to back along the centre line of the drive or junction. The 'x' distance is measured perpendicular to and from the kerb or channel line. The recommendation is to use 2.4 metres for the 'x' distance, unless it cannot be achieved and the highway is very lightly trafficked. The 'y' distance is measured along the near side kerb line and needs to be clear of all obstructions.



The proposed fence is set forward of the principle elevation of the property by 6.6m and is set forward of the junction by approx. 12.35m. Therefore, the fence will significantly impede the visibility of cars egressing from the driveway to oncoming traffic travelling north on Cheyne Walk, turning into Warwick Gardens at speed. In addition, the shape of the fencing will unacceptably reduce the sightline and visibility of the driveway for any vehicles turning into Warwick Gardens. This two-fold reduction in visibility would increase the potential for collision and accidents contrary to highway guidance.

The screenshot below has been annotated as a visual representation of how the fencing would impact sightlines of both vehicles egressing the driveway and turning into Warwick Gardens.



Furthermore, the visibility of vehicles exiting the driveway of no.10 Cheyne Walk will be compromised by the fencing. The proposed fence will follow the contour of the highway, with its curvature projecting forward of the no.10 Cheyne Walks driveway by approx. 8.15m. This means that vehicles exiting the driveway will have no visibility of cars approaching the junction and turning southward onto Cheyne Walk, which will increase the potential for collision and accidents contrary to highway guidance. The screenshot below serves as a visual demonstration of how the fencing would limit the visibility from no.10 Cheyne Walks driveway.



The fence will clearly reduce the visibility of vehicles exiting the driveway of the application site and the neighbour at no.10 Cheyne Walk, as well as for oncoming traffic turning onto Warwick Gardens from Cheyne Walk. As such, the development is considered to significantly increase the potential for collisions and the application is contrary to Policy CS11 (Transport), saved Policies P3 and T5 of Gravesham's Local Plan First Review (LPFR) (1994), SPG 6: Planning Policy for Vehicular Accesses to Classified Highways (2009) and Kent County Council vehicle crossing guidance (2018).

Any Other Material Planning Considerations

Impact on the Landscape - the property is located within the Meopham Downs Landscape Character Area. This area is characterised by gently undulating topography with a mix of arable and pasture farmland, three large settlements located along the A227 and traditional architecture surrounding village greens providing local vernacular.

Policy CS12 (LPCS) seeks to protect the Green infrastructure within the Borough and states at 5.7.26 the overall landscape character and valued landscapes will be conserved, restored and enhanced.

The erection of a perimeter fence in this location is not considered to have any detrimental impact on the landscape.

Impact on Biodiversity - A number of representations received from neighbours referenced the removal of a large tree prior to the submission of this application. This is contrary to Section 15 of the NPPF, which states that development should result in a net gain in biodiversity. However, there was no tree preservation order on the tree and as it was removed prior to the submission of this application it is not sufficient grounds of refusal.

Conclusion

The application has been fully considered and is contrary to local and national planning policy.

The proposed fence will have a detrimental impact on the open pre-planned character of the area and is harmful to the appearance of the street scene. Moreover, the introduction of fencing on a property located on a corner junction will impede visibility and sightlines, which poses a risk to highway safety and an

increase likelihood of collisions. Therefore, the proposed development is contrary to Policies CS11 (Transport) and CS19 (Development and Design Principles) (LPCS), saved Policies P3 and T5 of Gravesham's Local Plan First Review (LPFR) (1994), Sections 9 and 12 (NPPF), SPG 6: Planning Policy for Vehicular Accesses to Classified Highways (2009) and Kent County Council vehicle crossing guidance (2018).

As such, it is recommended that planning permission is refused.

Recommendation

Refusal

(For detailed reasons for refusal and informatives, see draft Decision)

Case Officer:	Mr Ethan Bonthron	Team Leader:	Miss Faye Hobbs
Signed:		Signed:	
Dated:	16 th September 2022	Dated:	16 September 2022