

Delegated Report

Householder Planning Application

Planning Application No: 20220677

Location: 105 Darnley Road Gravesend Kent DA11 0SQ

Description: Creation of a vehicular access to driveway.

Applicant: Mrs Ellen Madamombe

Site Visit Date: 29th July 2022

Submitted Documents/Plans

- Application Form
- Existing and Proposed Site Location Map
- Proposed Block Plan
- Existing Block Plan
- Existing and Proposed Elevations

Relevant Planning History

No relevant planning history.

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
- CS20 - Heritage & the Historic Environment

Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards
- T5 – Formation of new Accesses onto Highway Network
- TC3 - Development Affecting Conservation Areas

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that, with respect to buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

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.

Other material considerations

National Planning Policy Framework (2021)

- Section 2 – Achieving sustainable development
- Section 9 - Promoting Sustainable Transport
- Section 12 – Achieving well-designed places
- Section 15 - Conserving and enhancing the natural environment

Supplementary Planning Guidance

- SPG2 - Residential Layout Guidelines (2020)
- SPG 4 - KCC Parking Standards (2006)
- Darnley Road Conservation Area Appraisal (2009)
- Management Plan – Suburban Conservation Areas (2009)

Other relevant guidance

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

Consultations, Publicity and Representations

GBC – Highways Officer (First Comment)

Generally, an application for a carriage crossover on an unclassified road would be dealt with directly by Kent County Council, but I note the planning reasons, which relate to the removal of the wall to permit access into the property.

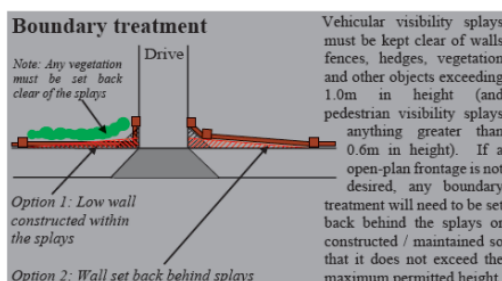
In terms of the drive I note it will be formed with a permeable material which is appropriate, which means the application form is incorrect as drainage will be via a sustainable drainage system as it drains direct to ground and not an existing water course. No details are provided for the construction of the drive, but if permitted it should be from a bound material either an appropriate resin or blocks installed in accordance with the manufactures instructions.

As far as is possible within the applicants land ownership pedestrian visibility splays are required adjacent to the drive.

Footway visibility

X-dimension 2.0m from back of footway

Y-dimension 2.0m within these splays,



There should be no obstruction to visibility between heights of 0.85m and 2.0m above footway level. If the footway is likely to be used by small children, the height should be reduced to 0.6m. Where all or part of the splay lies across land outside of the applicant's control, a relaxation to this requirement may be considered, taking into account the amount of pedestrian activity along the footway and the width of the footway.

This would appear to require the lowering of the wall on the corner of Darnley Road and Trafalgar Road and also the lowering of some vegetation, which may or may not be acceptable.

However and most importantly from a highway perspective, Kent County Council issue the following guidance, in their Vehicle Crossing;- Guidance and Self Assessment document.

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.

4. Distance from road junctions

If the location of the proposed crossing is closer than 10m to a road junction it would create a serious hazard and the application will be refused. This dimension may be increased to 15m on major roads or near to busy junctions. If the property is situated directly on the junction of two roads, it will generally be safer to situate the access on the minor, side road. Accordingly you may be asked to amend your proposals to comply with this requirement.

https://www.kent.gov.uk/_data/assets/pdf_file/0004/27688/Vehicle-crossing-pre-application-guidance.pdf

This property already benefits from an access at the rear of the property, although I accept the situation would not meet current requirements it is there and the proposed access is less than 5 metres from the junction. On this basis, I cannot see Kent County Council approving another access from Darnley Road given the guidance repeated above and so the removal of the wall would be pointless. My recommendation is therefore one of refusal.

Please note any application to Kent County Council for a dropped kerb would be dealt with by the County's Carriage Crossover Team and is independent of their planning consultation team. If the applicant can obtain confirmation from the KCC carriage crossover team that they consider the formation of an access is acceptable the matter can be reviewed.

GBC Highways Officer (Second comment after seeking clarification)

The 10 metres distance between an access and a junction is the guidance given by Kent County Council in their dropped kerb guide. As I cannot be sure what Kent County Council may agree to, I can only repeat their guidance. Note this is not an issue KCC would deal with as the access would not I believe be a planning issue, it only involves the dropped kerb team as the road isn't classified.

Height of wall should be restricted to ideally 850mm, ensuring visibility of both pedestrians and vehicles. Eye height of a driver is generally taken as 1.05m and the carriageway is normally 100 to 125mm below footway level, so to achieve eye to eye contact with a small allowance for tolerance we have a wall height of 850mm.

Pedestrian visibility splays shown on the drawing are wrong. They are 2m x 2m right angled triangles either side of the drive, not measured along the drives centre line which is appropriate for vehicle visibility splays only.

Neighbouring properties

The application was advertised by way of site notice and letters to eight surrounding properties. The consultation period expired on 19th August 2022 and no comments were received.

Proposal

Figure 1 is a schematic diagram illustrating the location of a vehicle unsewer. The diagram shows a street layout with a 'VEHICLE UNSEWER' (purple rectangle) located 20.4m from a 'DROPPED CURB' (red line). The unsewer is situated between a 'FOOTWALK' and a 'FOOTWALK CARRIAGEWAY'. Other labels include 'DRAINAGE', 'POT HOLE', 'POSSIBLE HAZARDOUS BLOCK PAVING', and '105'.

The property is set back from Darnley Road with a front wall serving as a boundary treatment. There are mature shrubs and trees in the front garden alongside some grass with a footpath leading up to the steps which serve the front door.



It is acknowledged that some properties have formed driveways on Darnley Road, however the gardens of the application property and close neighbours which have retained soft landscaping contribute significantly to the visual appearance and improve the amenity of the local street scene considerably.

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Local Plan Core Strategy (2014), saved Policy TC3 (Development Affecting Conservation Areas) of Gravesham's Local Plan First Review (1994) as well as Section 16 of the National Planning Policy Framework (2021).

As such the proposed development will result on a hardening of the street scene by virtue of removing the boundary wall and soft landscaping to form the hardstanding. The plans fail to demonstrate the retention of biodiversity and soft landscaping which would reduce the harsh impact of a hard-paved driveway and therefore the proposal is considered to be detrimental to the visual amenity of the street scene. Therefore the proposed development is contrary to Policies CS12 (Green Infrastructure) and CS19 (Development and Design Principles) of the Gravesham Local Plan Core Strategy (2014) as well as Section 12 of the National Planning Policy Framework (NPPF) (2021) achieving well-designed places and Section 16 of the National Planning Policy Framework (NPPF) (2021) Conserving and enhancing the natural environment.

It is also worth noting that there is a garage with a vehicular access to the rear of the property which is accessible via Trafalgar Road and provide off road parking. No supporting information has been provided to explain why additional parking is required to the front of the property or why the current arrangement to the rear may or may not be suitable.



Amenity of Future Occupiers

The proposal will provide acceptable living conditions that safeguard the amenity of future occupiers in accordance with Policy CS19 of the Local Plan Core Strategy 2014.

Neighbouring Amenity

The proposed vehicular crossover would not materially impact on the amenity of neighbouring properties and is in accordance with Policy CS19 of the Local Plan Core Strategy 2014.

Parking and Highways

As mentioned previously there is space at the rear for vehicular parking. The screenshot below from Google Earth was from 2022 which shows access to what appears to be a garage which demonstrates that the site has some off street parking provision, avoiding the need for the loss of biodiversity currently proposed.

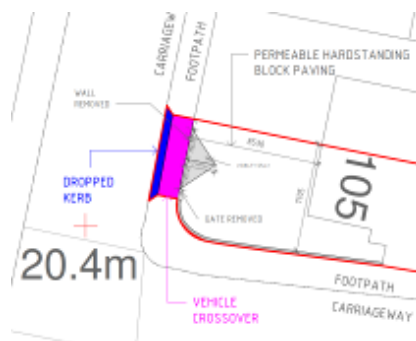


KCC's dropped kerb guide also states that there should be a 10 meters distance between an access and a junction which is not achieved here.

The proposal also shows that there will be a wall height of 1.2m which is too high and poses a danger to other road users and pedestrians. The wall height should not exceed 850mm so to ensure satisfactory visibility for both pedestrians and vehicles.



The pedestrian visibility splays shown on the proposed plans are incorrectly drawn. The 2m x 2m right angled triangles are either side of the drive and not measured along the drive's centre line, which is appropriate for vehicle visibility splays only. Furthermore the proximity of the dropped kerb to the junction together with the lack of visibility splays would result in a highways hazard which is contrary to CS11 of the Local Plan Core Strategy 2014.



Any Other Material Planning Considerations

Impact on Biodiversity - as highlighted previously the driveway will result in a loss of biodiversity. Section 15 of the National Planning Policy Framework 2021 states that developments should result in biodiversity net gain which is not the case with this application. The applicant has failed to demonstrate how the loss of biodiversity will be offset and as such should not be supported.

Conclusion & Recommendation

The proposed driveway and resulting hardstanding would result in the removal of all existing soft landscaping and biodiversity which currently contributes positively to the quality of the street scene. Its removal would result in a disproportionately harsh, overly developed appearance which adversely impacts on the character and appearance of the streetscene and the visual qualities of the wider conservation area. As such the proposal fails to conserve or enhance the setting of the Darnley Road Conservation Area and so the application is contrary to Policies CS19 (Development and Design Principles) and CS20 (Heritage and the Historic Environment) of the Gravesham Local Plan Core Strategy 2014, saved Policy TC3 (Development Affecting Conservation Areas) of Gravesham's Local Plan First Review 1994 and Section 16 of the National Planning Policy Framework 2021.

The proposed driveway represents a risk to highway safety by virtue of insufficient visibility splays and sightlines on a corner junction for other road users and pedestrians. Therefore, the proposed development is contrary to Policy CS11 (Transport) of Gravesham's Local Plan: Core Strategy (2014), saved policies P3 (Vehicle Parking Standards) and T5 (Access to the Identified Highway Network) of the Gravesham Local Plan First Review 1994, the Adopted Kent Vehicle Parking Standards (SPG4), Kent County Council vehicle crossing guidance (2016) and Section 9 of the National Planning Policy Framework (2021).

As such the proposed driveway fails to comply with both local and national planning policy and cannot be supported.

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

Case Officer:	Mrs Sharon Sahota	Team Leader:	Miss Faye Hobbs
Signed:		Signed:	
Dated:	28th September 2022	Dated:	10 October 2022