



Application: 20230957

**TOWN AND COUNTRY PLANNING ACT 1990
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2015 (AS AMENDED)**

NOTIFICATION OF REFUSAL OF PERMISSION TO DEVELOP LAND
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To: **Mr & Mrs Usher
C/O Alan Penfold, Penfold Project Services
Epmarket
Wrotham Road
Meopham
DA13 0JH**

TAKE NOTICE that the **GRAVESHAM BOROUGH COUNCIL**, the Local Planning Authority under the Town and Country Planning Acts, has **REFUSED TO PERMIT** development of land situate at:

**1 Gabriel Gardens
Gravesend
Kent
DA12 4QD**

and being **Erection of part two storey and part single storey side, front and rear extension to create a new dwelling; erection of two storey front extension to existing dwelling, formation of one car parking space in the front garden and formation of vehicle access to existing parking area.**

Your application dated 20th September 2023 is refused on the following grounds:-

1. The proposed development, by reason of its design, form and appearance, would be an overdevelopment of the application site, which would be incongruous and out of character with the existing building and its surroundings and would be detrimental to the appearance of the street scene. As such, the proposal would be contrary to paragraph 130 of the NPPF 2023 and Policy CS19 of the Gravesham Local Plan Core Strategy September 2014.
2. The proposed development, by virtue of the inclusion of first floor windows in the rear elevation of the new dwelling and its proximity to the boundaries with no. 2 Judeth Gardens and nos. 133 and 135 Astra Drive, would lead to a detrimental level of overlooking and an unacceptable loss of privacy from those properties. The proposal would therefore be detrimental to the residential amenity of the occupants of no. 2 Judeth Gardens and nos. 133 and 135 Astra Drive and be contrary to Policy CS19 of the Gravesham Local Plan Core Strategy September 2014, to Paragraph 130(f) of the National Planning Policy Framework (2023) and to the Residential Layout Guidelines (2020).

INFORMATIVES:-

1 STATEMENT OF POSITIVE AND PROACTIVE APPROACH TO DECISION-MAKING

In accordance with Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), and paragraph 38 of the National Planning Policy

Framework (NPPF) 2023, the Local Planning Authority has approached the assessment and determination of this application in a positive and creative manner. In this instance, the application is not in accordance with the Development Plan for the area and cannot be supported.

2 DRAWINGS AND DOCUMENTS

For the avoidance of doubt the decision to refuse this application was taken in relation to the following plans and documents:

Drawing no. 101 Existing layouts and elevations;
Drawing no. 102A Proposed layouts and elevations;
Drawing no. 103A Red line site boundary plan;
Drawing no. 104B Existing and proposed block plans;
Strategic Access Management and Monitoring Strategy Contribution Agreement; and
Planning Statement August 2023.

Dated: 14 November 2023

Civic Centre
Windmill Street
Gravesend
Kent
DA12 1AU

Wendy Lane MRTPI
Assistant Director (Planning)
Planning Service

NOTIFICATION TO APPLICANT

APPEALS TO THE SECRETARY OF STATE

- If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.
- If this is a **householder application*** which has been refused and you want to appeal against your Local Planning Authority's decision then you must do so within **12 weeks of the date of this notice**.
- For all other applications, refused or permitted, if you want to appeal against your Local Planning Authority's decision then you must do so within 6 months of the date of this notice.
- **For further information regarding Appeals and to make an application please click the relevant link:**
<https://www.gov.uk/appeal-householder-planning-decision>
<https://www.gov.uk/appeal-planning-decision>
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

***Householder applications**

These are:

- (a) applications for planning permission for development of an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse, or
- (b) an application for any consent, agreement or approval required by or under a planning permission, development order or local development order in relation to such development

but does **not** include –

- (i) an application for change of use;
- (ii) an application to change the number of dwellings in a building.

PURCHASE NOTICES

If either the Local Planning Authority or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that he/she can neither put the land to a reasonably beneficial use in its existing state nor can he/she render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.