
Appeal Decision

Site visit made on 11 May 2018

by R C Shrimplin MA(Cantab) DipArch RIBA FRTPI FCI Arb MCIL

an Inspector appointed by the Secretary of State

Decision date: 5 June 2018

Appeal Reference: APP/K2230/D/18/3196592

32 Thong Lane, Gravesend DA12 4LD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr and Mrs M Dhillon against the decision of Gravesham Borough Council.
- The application (reference 20171282, dated 24 November 2017) was refused by notice dated 16 February 2018.
- The application sought planning permission for "retention of access to highway and associated hardstanding" without complying with conditions attached to planning permission reference 20160589, dated 24 July 2017.
- The conditions in dispute are conditions numbers 1 and 2, which state, respectively:
"The development hereby permitted shall be carried out in accordance with the following approved plans:
REVISED – Householder Application Form;
OS Plan (with redline boundary);
TL001 003 – REVISED – Existing and Proposed Plans and Elevations;
and pursuant to any conditions contained herein after there shall be no deviation without the prior written consent of the Local Planning Authority having first been obtained."
and
"The front boundary wall detailed on the plans hereby approved shall be commenced within 3 calendar months of the date of the decision and completed within a further 28 days, unless an extension of the period hereby permitted is granted by the Local Planning Authority. The boundary wall shall thereafter remain in place and shall not subsequently be removed or be demolished unless a specific grant of planning permission has been given by the Local Planning Authority."
- The reasons given for the conditions are, respectively:
"For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with Policy CS19 of the Gravesham Local Plan: Core Strategy (September 2014)."
and
"To ensure that the front boundary treatment is installed within a reasonable period in the interest of visual amenity and to prevent indiscriminate manoeuvring across the unstrengthened public footway and verge in accordance with Policies CS19 and CS11 of the Gravesham Local Plan: Core Strategy (September 2014) and Policy P3 of the Gravesham Local Plan First Review (1994)."

Decision

1. The appeal is dismissed.

Procedural point

2. The planning application was made as an "application for removal or variation of a condition following grant of planning permission". Section 73 of the Town and Country Planning Act 1990 applies to the appeal, therefore.

Main issue

3. The main issue to be determined in this appeal is the effect of the proposed development on the character of the surroundings.

Reasons

4. Thong Lane is primarily residential in character and it is a pleasant location, though it is a rather busy road and a bus route. In the vicinity of the appeal site, the appearance of the streetscene is enhanced by a wide grass verge that slopes up gently from the road surface along the western frontage. On this side of the road, the dwellings are conventional in character, typically comprising semi-detached pairs and short terraces, several of which have crossovers to the road to enable cars to be parked in their front gardens.
5. Number 32 Thong Lane has a relatively large front garden that has been paved to permit car parking and which has sufficient depth to accommodate several cars. Only a very limited unsurfaced area of the front garden remains for planting. A crossover has been constructed across the verge, to provide access to the highway, though the access as constructed has a width that is only about half the width of the residential plot (and front garden). Thus, a significant amount of the verge has been preserved.
6. It is now proposed that the crossover should be increased in width and splayed, to provide a more extensive access to the paved front garden.
7. Among other things, the 'National Planning Policy Framework' emphasises the aim of "requiring good design" in the broadest sense (notably at Section 7) and it points out the importance of creating an attractive streetscape and maintaining the overall quality of the area. Local Policies in the Development Plan reinforce this basic aim, notably Policy CS19 of the Gravesham Local Plan Core Strategy, which was adopted in September 2014.
8. Obviously, the proposal to increase the extent of the crossover at 32 Thong Lane would reduce the extent of the grassed verge. Thus, it would further erode the attractive appearance of the streetscene. The practical need for a crossover, has already been recognised by the grant of planning permission but the additional benefit of a wider crossover would be very limited and would not justify the visual harm that would be caused to the surroundings.
9. The front boundary treatment that is required by Condition 2 is necessary to preserve the character of the frontage but, more importantly, to prevent indiscriminate manoeuvring of vehicles over the grass verge, damaging the appearance of the verge and undermining the restriction on the width of the

crossover that has been allowed. This condition, too, is necessary to protect the appearance of the streetscene and is plainly justified.

10. Although there are no highway objections to the current proposals (relating to their effect on the highway network), the broader planning consideration, in relation to the appearance of the streetscene, requires the character of the verge to be protected and the conditions that have been imposed are necessary and proportionate to prevent unnecessary harm to the character of the surroundings.
11. Hence, I have concluded that the scheme before me would conflict with both national and local planning policies (including the Development Plan) and that it ought not to be allowed. Although I have considered all the matters that have been raised in the representations, I have found nothing to cause me to alter my decision.

Roger C Shrimplin

INSPECTOR