



Application: 20221237

**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: **Bains, JB Construction
C/O Mr James Barron, Barron Edwards Ltd
Barron Edwards, Whitehall Place
47 The Terrace
Gravesend
DA12 2DL**

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:

**98 Old Road West
Gravesend
Kent**

and being **Erection of an additional 2 x 1 bedroom flats within the roof space of this purpose built three storey block including alteration to the roof and the insertion of dormer windows.**

Your application dated 21st December 2022 is refused on the following grounds:-

1. The proposed development, by reason of its form, layout and appearance, would be an overdevelopment of the site, be out of character with the existing building and undermine the character of the surrounding area. As such, the proposal would be contrary to paragraph 130 of the National Planning Policy Framework and Policy CS19 of the Gravesham Local Plan Core Strategy September 2014.
2. The proposed development would be detrimental to the residential amenity of existing and future occupiers, by virtue of adverse noise and disturbance impacts. As such, the proposal would be contrary to Policy CS19 of the Gravesham Local Plan Core Strategy September 2014.
3. The proposed development would be detrimental to highway safety, by virtue of the fact that the accessibility of the car and cycle parking spaces has not been proven. As such, the proposal would be contrary to Policy CS11 of the Gravesham Local Plan Core Strategy September 2014 and Saved Policies T1 and P3 of the Gravesham Local Plan First Review November 1994.
4. The applicant has failed to provide any ecological evidence to inform a habitat regulations assessment covering the impact of the development on the Thames Estuary and Marshes Special Protection Area (SPA) and Ramsar Site or offered a financial contribution towards mitigation measures to address the impact of the development on the SPA/Ramsar site. The proposal would therefore be contrary to Policy CS12 of the

INFORMATIVES:-

1 STATEMENT OF POSITIVE AND PROACTIVE

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) 2021, 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:

Application for planning permission form;
Drawing no. ORW98-A 001 Rev. A Existing and proposed block plans and location plan;
Drawing no. ORW98-A 002 Rev. A Existing and proposed roof plans;
Drawing no. ORW98-A 003 Rev. A Proposed loft floor layout;
Drawing no. ORW98-A 004 Rev. A Existing elevations;
Drawing no. ORW98-A 005 Rev. A Proposed elevations;
Drawing no. ORW98-A 006 Rev. A Existing second floor layout;
Drawing no. ORW98-A 007 Rev. A Proposed second floor layout; and
Letter from the agent dated 17 November 2022.

Dated: 23 February 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.