



REFULZ

Application: 20220483

**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

To: **Mr Taj Dhanda
C/O Mr Jeremy Sparrow, JS Designs (london) Limited
Suite 3
West Hill House
West Hill
Dartford
DA1 2EU**

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:

**53 Kent Road
Gravesend
Kent
DA11 0SZ**

and being **erection of a two storey rear extension & conversion to create 4no 1 bedroom flats.**

Your application dated 6th May 2022 is refused on the following grounds:-

1. The proposal would fail to protect the mix of housing in the Borough as it would result in the loss of a family sized residential unit, for which there is a need for such sized housing in the Borough. As such, the proposal is contrary to Policy CS14 (Housing Type and Size) of the Gravesham Local Plan Core Strategy (2014) and saved Policy H5 (Increasing the Housing Stock by the Conversion of Existing Buildings) of the Gravesham Local Plan First Review (1994).
2. The proposal by virtue of undersized internal floor area for all flats would provide substandard and unacceptable living conditions for future occupiers that would be harmful to their amenity; the proposal is therefore not fit for purpose. As such, the proposal would be contrary to Policy CS19 (Development and Design Principles) of the Gravesham Local Plan Core Strategy (2014).
3. The orientation of the bedroom windows located in the two storey rear addition, both at ground and first floor facing no. 55 Kent Road, would harm the living environments/privacy of future occupants of both flats. Furthermore, the parking of cars in the rear garden also compromises privacy of the proposed flats and the quality of the proposed amenity space provided. The proportion of amenity space allocated is also inadequate. Therefore, the proposal would fail to provide a high standard of amenity for future users, but also harm the users at no. 55 Kent Road, which would conflict with the requirements of Policy CS19 of the Gravesham Local Plan Core Strategy (2014) and paragraph 130 of the National Planning Policy Framework 2021.

4. The applicant has failed to provide any ecological evidence to inform a habitat regulations assessment covering the impact of the development on the SPA/Ramsar site or offered a financial contribution towards mitigation measures to address the impact of the development on the SPA/Ramsar site. The proposal is therefore contrary to Policy CS12 (Green Infrastructure) of the Gravesham Local Plan Core Strategy (2014) and paragraphs 180 and 181 of the National Planning Policy Framework (2021) which seeks to ensure that detrimental effects on the integrity of SPA/Ramsar sites are avoided.

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) 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 Form;
- Location Plan, Drawing no. 21098-L1;
- Existing Block Plan, Drawing no. 21098-L2 Rev A;
- Proposed Block Plan, Drawing no. 21098-L3 Rev A;
- Proposals, Drawing no. 21098-01 Rev B.

Dated: 28 June 2022

Civic Centre
Windmill Street
Gravesend
Kent
DA12 1AU



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## **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.
- Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to

**obtain a paper copy of the appeal form on tel: 0303 444 5000.**

- 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.