



Application: 20240070

**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 J Johal**
C/O Mr Ben Kelly, West Green Planning Ltd
Another Place
6-9 Belfast Road
Stoke Newington
London
N16 6UN

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:

7 Wrotham Road
Gravesend
Kent
DA11 0PD

and being **Roof level extension to create 1x 1 bed flat and 1x 2 bed flat additional units (Use Class C3); first floor rear extension to make 1x 2 bed flat; altered external staircase access and internal rearrangement to make 1x 1 bed flat; new entrance and internal rearrangement to studio unit; and new window openings on the front and rear elevation.**

Your application dated 8th February 2024 is refused on the following grounds:-

1. The proposed extensions are considered poor design, which fails to preserve or enhance the character and appearance of the Darnley Road and Upper Windmill Street Conservation Areas, by compounding the negative impact of the existing 1960s projection to the detriment of the historic qualities of the Conservation Areas. Therefore proposal does not meet the statutory test of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and is contrary to Policies CS19 and CS20 of Gravesham's Local Plan Core Strategy (2014), saved policy TC3 of the Gravesham Local Plan First Review (1994) as well as Sections 12 and 16 of the National Planning Policy Framework (2023).
2. The proposed development would provide undersized and cramped flats, with habitable rooms that would receive limited sunlight and be gloomy, dark spaces for future occupiers contrary to the Nationally Described Space Standards (2015) and Gravesham's Residential Layout Guidelines (2020). Furthermore, the roof extension would have a detrimental impact on habitable rooms of a flat approved in the conversion application, creating poor outlook and sense of enclosure to the detriment of amenity. Therefore, the development fails to safeguard future occupier amenity contrary to Policy CS19 of Gravesham's Local Plan Core Strategy (2014) and Section 12 of the National Planning Policy Framework (2023).

3. The proposed development would introduce additional built form on the roof of the existing extension within close proximity of the flank windows on the neighbour, impacting on amenity through outlook and unacceptable sense of enclosure. Furthermore, the extension would introduce a substantial number of windows on the front and rear elevations, impacting properties on Cobham Street breaching the minimum window-window distance set out in Gravesham's Residential Layout Guidelines (2020) and impacting on the private amenity space of the neighbour to the rear on Wrotham Road, creating unacceptable levels of direct and perceived overlooking. Therefore, the development is an unneighbourly form of development which fails to safeguard neighbouring amenity contrary to Policy CS19 of Gravesham's Local Plan Core Strategy (2014) and Section 12 of the National Planning Policy Framework (2023).
4. The proposed development fails to safeguard biodiversity or mitigate harm caused to the Special Protection Areas. Therefore, the development fails to comply with the requirements of the Habitat Regulations and fails to offset biodiversity loss contrary to Section 15 (specifically paragraphs 185 and 186) of the National Planning Policy Framework (2023) and Policy CS12 of Gravesham's Local Plan Core Strategy (2014).

INFORMATIVES:-

1 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 - dated 24 January 2024

Planning, Design and Access and Heritage Statement - dated January 2024

Supplementary Information - Floor Risk Assessment by Aegaea (ref.

AEG3288_DA11_Gravesham_01) - dated 04 December 2023

Supplementary Information - Transport Statement - dated January 2024

Supplementary Information - Building Regulations Compliance Services by JOSTEC (ref.

BS8233:2104) - dated 22 January 2024

Supplementary Information - Internal Daylight Assessment by NRG Consulting - dated January 2024

Supplementary Information - Air Quality Assessment by Air Quality Assessments Ltd (ref.

J0811/1/F1) - dated 29 November 2023

Drawing no. A01 - Existing Site Location and Block Plans

Drawing no. EX01-7WR - Existing Basement and Ground Floor Plans

Drawing no. EX02-7WR - Existing First Floor and Loft Plans

Drawing no. EX03-7WR - Existing Roof Plan

Drawing no. EX04-7WR - Existing Elevations

Drawing no. EX05-7WR - Existing Sections

Drawing no. PL01-7WR - Proposed Basement and Ground Floor Plans

Drawing no. PL02-7WR - Proposed First Floor and Loft Plans

Drawing no. PL03-7WR - Proposed Roof Plan

Drawing no. PL04-7WR - Proposed Elevations

Drawing no. PL05-7WR - Proposed Sections

2 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.

Dated: 4 April 2024

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.