

Application: 20220549

**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 Avtar Photay
C/O Mrs Shanon Alexander, Barron Edwards Ltd
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:

**40 Wrotham Road
Gravesend
Kent**

and being **Erection of part single storey, part two storey rear extension and reconfiguration of internal layout to provide 2 additional 1 bed self contained flats.**

Your application dated 26th May 2022 is refused on the following grounds:-

1. The proposed development by virtue of the quantum of residential accommodation proposed, the overall overbearing design to the rear and subsequent harm to amenity, amounts to overdevelopment of the site which would be harmful to the character and appearance of the immediate locality. The proposal would consequently be contrary to Policies CS19, CS20 of the Gravesham Local Plan Core Strategy 2014 and paragraph 130 of the National Planning Policy Framework 2021.
2. The poor layout of the site harms the living environment/privacy of future occupants of both flats 1, 2 and 3. Flats 1 and 2 are compromised, by a lack of privacy due to the bedroom windows along the northern boundary directly facing the adjacent alley way with limited natural daylight/sunlight. The bedroom in unit 2 along the southern boundary would experience limited daylight/sunlight. Flat 3 at first floor, would also experience limited daylight/outlook facing the brick wall to the north. The proposal would therefore fail to provide a high standard of amenity for future occupiers of flats 1, 2 and 3, and the neighbouring site, which would conflict with the requirements of Policy CS19 of the Gravesham Local Plan Core Strategy 2014 and paragraphs 92, 126 and 130 of the National Planning Policy Framework 2021.
3. The rear of the property is unacceptable in design terms by virtue of the increase in scale, bulk and massing of the rear extension which would harm the character and appearance of the application building and surrounding area as a disproportionate addition, and would fail to comply with the requirements of Saved Policy TC3 of the Local Plan First Review 1994, Policies CS19 and CS20 of the Gravesham Local Plan Core

Strategy 2014, and paragraphs 92(b), 126, 130 and 197(c) 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 DRAWINGS AND DOCUMENTS

For the avoidance of doubt, the forms, plans and documents upon which this decision is made comprise:

- o Application Form;
- o Location Plan, Drawing no. 001 Rev A;
- o Existing Plans and Elevations, Drawing no. 002 Rev A;
- o Proposed Plans and Elevations, Drawing no. 003 Rev A;
- o Covering Letter dated 07.06.2022.

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) 2021, the Local Planning Authority has approached the assessment and determination of this application in a positive and creative way and, where appropriate, has worked pro-actively with the applicant to secure a development that is sustainable and that improves the economic, social and environmental conditions of the area, and that is in accordance with the Development Plan for the area.

In this instance the application is not in accordance with the Development Plan for the area and cannot be supported.

Dated: 28 July 2022

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.
- **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.