

Application: 20211019

**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: **Mr K Avery
C/O Mr Mark Strawbridge, Studio Charrette
The Clubhouse
50 Grosvenor Hill
London
W1K 3QT**

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:

**28 Park Road
Gravesend
Kent
DA11 7PR**

and being **Application for outline planning permission with all matters reserved and being for demolition of existing building and erection of 6 no. semi-detached, 3 bedroom dwellings.**

Your application dated 20th September 2021 is refused on the following grounds:-

1. The outline proposals are considered to constitute an overdevelopment of the garden which would result in a comparatively cramped form of development and would be incongruous considering the existing pattern of development and the character of the residential gardens which comprise the area. It is therefore harmful to the character and appearance of the site and the wider locality and would contravene Policies CS14, CS15 and CS19 of the Gravesham Local Plan Core Strategy September 2014 which ensure new development will integrate well with the surrounding local area. At a national level the proposed development would also contravene paragraph 130 of the NPPF (2021) which states developments will function well and add to the overall quality of the area and are sympathetic to local character including the surrounding built environment.
2. Due to the proximity and relationship of the proposed properties and access road to the rear elevations and rear gardens of Nos, 54 to 84 Woodfield Avenue located to the west, the proposal would result in a detrimental impact on the amenities of the occupiers of the properties in terms of loss of privacy, overlooking and the increase of noise and disturbance, contrary to Policy CS19 of the Gravesham Local Plan Core Strategy September 2014 and paragraph 130 of the National Planning Policy Framework 2021.
3. The proposal would fail to provide adequate private amenity space and would result in a detrimental impact on the amenities of future occupiers of the dwellings, contrary to Policy CS19 of the Gravesham Local Plan Core Strategy September 2014 and paragraph 130 of the National Planning Policy Framework 2021.

4. The proposal fails to secure adequate access for residents and refuse vehicles, as well as inadequate parking and cycle provision and therefore is contrary to Policy CS11 of the Gravesham Local Plan Core Strategy September 2014.
5. The proposal fails to secure a contribution towards strategic mitigation measures within Special Protection Areas, and in the absence of this contribution or adequate information to inform an Appropriate Assessment, the development fails to comply with the requirements of the Habitat Regulations and Section 14 (specifically paragraphs 180 and 181) of the National Planning Policy Framework 2021 and Policy CS12 of the Gravesham Local Plan Core Strategy September 2014.

INFORMATIVES:-

1 DRAWINGS AND DOCUMENTS

For the avoidance of doubt, the decision to refuse this application was taken in relation to the following forms, plans and documents comprising the application:

Planning Application Form received 11th August 2021;
OS Plan received 11th September 2021;
Drawing No. SC_28ParkRd_SiteLocationPlan_V1 - Site Location Plan received 17th September 2021;
Drawing No. SC_28ParkRd_ExistingBlockPlan_V1 - Existing Block Plan received 17th September 2021;
Drawing No. SC_28ParkRd_ProposedBlockPlan_V1 - Proposed Block Plan received 17th September 2021;
Drawing No. SC_28ParkRd_ExistingSections - Existing Sections received 17th September 2021;
Drawing No. SC_28ParkRd_ExistingMasterPlan_V1 - Existing Master Plan received 17th September 2021;
Topographical Survey Plan received 20th September 2021; and
Drawing No. SC_28ParkRd_ProposedSections - Proposed Sections received 17th September 2021.

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, pre-application guidance was given and not taken into consideration and the application is contrary to local and national planning policy and the planning objections could not be overcome by amendments to the scheme or through the imposition of acceptable and appropriate planning conditions.

Dated: 15 November 2021

Civic Centre
Windmill Street
Gravesend
Kent
DA12 1AU

Wendy Lane MRTPI
Assistant Director (Planning)
Planning Service

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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.

## **COMPENSATION**

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.

These circumstances are set out in Sections 114 and related provisions of the Town and Country Planning Act 1990.

Gravesham Borough Council