

Application: 20230561

**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: **Matt Lenton-Magor
C/O Mr Steve Walker, Parkers Design
90 Southleigh Road
Southleigh Road
Havant
PO9 2PR**

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:

**109 Darnley Road
Gravesend
Kent
DA11 0SH**

and being **Erection of a part rear double storey extension, additional roof solar panels, extension to basement and external wall covering to insulated.**

Your application dated 15th November 2023 is refused on the following grounds:-

1. The proposed front basement and resulting built form would result in the removal of a large section of existing soft landscaping and biodiversity which currently contributes positively to the quality of the street scene. Its removal would result in excessive built form which disrupts the existing building line and returns an overly developed appearance which adversely impacts on the character and appearance of the streetscene and the visual qualities of the wider conservation area. As such the proposal fails to conserve or enhance the setting of the Darnley Road Conservation Area and so the application is contrary to Policies CS19 (Development and Design Principles) and CS20 (Heritage and the Historic Environment) of the Gravesham Local Plan Core Strategy 2014, saved Policy TC3 (Development Affecting Conservation Areas) of Gravesham's Local Plan First Review 1994 and Section 16 of the National Planning Policy Framework 2023.
2. The introduction of solar panels, especially on the front and side roof slopes, fail to respect the character and appearance of the application property and wider conservation area. The panels would overwhelm the original roofscape and fail to preserve or enhance the character and appearance of the Conservation Area. As such, the proposal is contrary to Section 12 (Achieving well-designed Beautiful Places) of the National Planning Policy Framework (2023) and Policy TC3 (Development Affecting Conservation Areas) of the Local Plan First Review (November 1994) and Policies CS19 (Development and Design Principles) and CS20 (Heritage and the Historic Environment) of the Local Plan Core Strategy (September 2014) which require development to be visually attractive and to conserve or enhance the character of the local built environment and the Conservation Area.

3. The proposed rigid insulation and subsequent render would result in the loss of the original rendered walls of the property and the proposed insulation and render constitute unsympathetic alterations which unbalance the pair of semi-detached dwellings.. As such the proposal would not preserve or enhance the character and appearance of the Darnley Road Conservation Area. The development is therefore contrary to Section 12 (Achieving well-designed Beautiful Places) of the National Planning Policy Framework (2023) and Policy TC3 (Development Affecting Conservation Areas) of the Local Plan First Review (November 1994) and Policies CS19 (Development and Design Principles) and CS20 (Heritage and the Historic Environment) of the Local Plan Core Strategy (September 2014) which require development to be visually attractive and to conserve or enhance the character of the local built environment and the Conservation Area.

INFORMATIVES:-

1 DECISION PLANS

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

- o Application Form
- o Drawing No: PO Rev 1 (Location plan and Block Plan)
- o Drawing No: P1 (Existing/Proposed Basement Level Plans and Section)
- o Drawing No: P2 (Existing/Proposed Ground Floor Plans)
- o Drawing No: P3 (Existing/Proposed First Floor Plans)
- o Drawing No: P2 (Existing/Proposed Second Floor Plans)
- o Drawing No: P5 (Existing/Proposed Front Elevation)
- o Drawing No: P6 (Existing/Proposed Rear Elevation)
- o Drawing No: P7 (Existing/Proposed Right Side Elevation)
- o Drawing No: P8 (Existing/Proposed Left Side Elevation)
- o Drawing No: P13 (Existing/Proposed Roof Plans)
- o Drawing No: P9 (Existing/Proposed 3D Image front Elevation)
- o Drawing No: P10 (Existing/Proposed 3D Image Front Elevation)
- o Drawing No: P11 (Existing/Proposed 3D Image Rear Elevation)
- o Drawing No: P12 (Existing/Proposed 3D Image Rear Elevation)

Supplementary Information

- o Arboriculture Report
- o Tree Data Spread Sheet
- o Tree Protection Plan
- o Tree Constraints Plan
- o Impact Assessment Plan
- o Heritage Statement

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 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 failed to comply with local and national planning policy and could not be supported.

Dated: 4 January 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.