

Application: 20240504

**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: **Sian
C/O Mr Derek Evans, W.D.Evans Building Services
45 Galleon Way
Upnor
ROCHESTER
ME2 4GX**

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:

**Garage Block
Arthur Street
Gravesend
Kent
DA11 0PP**

and being **Demolish of existing garage block and construction of 6 no 1 bedroom flats.**

Your application dated 3rd July 2024 is refused on the following grounds:-

1. The scale and appearance of the proposed development would be detrimental to the character of the surrounding area. It would also constitute an overdevelopment of the site which would result in a cramped form of development out of keeping with the character of the area. The development would therefore fail to preserve or enhance the character and appearance of the Darnley Road Conservation Area. The proposal would not result in public benefits that would clearly outweigh that harm. As such the proposed development would be contrary to the National Planning Policy Framework (2023), Policies CS19 and CS20 of the Gravesham Local Plan Core Strategy (2014), Policy TC3 of the Gravesham Local Plan First Review (1994) and the Darnley Road Conservation Area Character Appraisal (2009).
2. The proposal would result in a detrimental impact on the amenities of neighbouring occupiers in terms of loss of privacy, loss of sunlight and overbearing impact. The development would therefore fail to meet the tests set out in the National Planning Policy Framework (2023) and Policy CS19 of the Gravesham Local Plan Core Strategy (2014).
3. The proposed development would fail to provide a satisfactory level of residential amenity for future occupiers due to insufficient levels of internal living space, lack of outlook from habitable rooms and a community amenity area that would not be accessible to the occupiers of all six flats. The development would therefore fail to meet the tests set out in the National Planning Policy Framework (2023), Policy CS19 of the Gravesham Local Plan Core Strategy (2014), the Technical Housing Standards - nationally described space standard (2015) and the Council's Residential Layout

4. In the absence of detailed information relating to the use and occupancy of the existing garages, it is considered that their loss could lead to a displacement of parking. This would increase the demand for parking on local streets where there are already high levels of parking stress. As such the proposal would fail to meet the tests set out in Policy CS11 of the Gravesham Local Plan Core Strategy (2014) and Saved Policy P3 of the Gravesham Local Plan First Review.
5. The proposed development would fail to provide appropriate and accessible cycle storage facilities and as such would be contrary to the National Planning Policy Framework (2023) and Policy CS11 of the Gravesham Local Plan Core Strategy (2014).
6. The proposed development would fail to provide appropriate and accessible waste storage facilities and as such would be contrary to the National Planning Policy Framework (2023), Policy CS19 of the Gravesham Local Plan Core Strategy (2014) and the Council's Residential Layout Guidelines including Housing Standards Policy Statement (October 2015, Adopted 1996 - amended June 2020).
7. The applicant has failed to provide any ecological evidence to inform a habitat regulations assessment to address the impact of the proposed development on the Thames Estuary and Marshes Ramsar site and Special Protection Area (SPA) or offered a financial contribution towards the identified mitigation measures to address the impact of the development on the SPA/Ramsar site. The proposal is therefore contrary to Policy CS12 of the Gravesham Local Plan Core Strategy (2014) which seeks to ensure that detrimental effects on the integrity of SPA/Ramsar sites are avoided, and also contrary to Paragraphs 186 and 187 of the National Planning Policy Framework (2023).

INFORMATIVES:-

1 STATEMENT OF POSITIVE AND PROACTIVE APPROACH TO DECISION-TAKING

In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure)(England) Order 2015 and paragraph 38 of the National Planning Policy Framework, the Local Planning Authority has approached the assessment and determination of this application in a positive and proactive manner and, where appropriate, has worked 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 contrary to local and national policy.

2 DECISION PLANS

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

- o Application form.
- o Design and Access Statement.
- o Drawing no. SH/1706/101 - Existing Site Plan.
- o Drawing no. SH/1706/102 - Proposed Site Plan.
- o Drawing no. SC/1706/103 - Block Plan Existing.
- o Drawing no. SC/1706/104 - Block Plan Proposed.
- o Drawing no. PC/3107/105 - Proposed Ground Floor Layout.
- o Drawing no. PC/3107/106 - Proposed First & Second Floor Layout.
- o Drawing no. PC/3107/107 - Proposed Elevations.

Civic Centre
Windmill Street
Gravesend
Kent
DA12 1AU

Shazad Ghani
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Head of 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.
- **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.