

Delegated Report

Householder Planning Application

Planning Application No: 20231333

Location: 54 Livingstone Road Gravesend Kent DA12 5DZ

Description: Application for a vehicle crossover.

Applicant: Mr & Mrs Chris & Carole Brett & Bines

Site Visit Date: 26th February 2024

Submitted Documents/Plans

Application Form dated 02/01/2024;
Supplementary Information – Cover Letter – Received 02/01/2024;
Supplementary Information – Picture of Manhole – Received 02/01/2024;
Drawing Number 001 (Site Location Plan and Block Plan – Existing);
Drawing Number 002 (Block Plan – Proposed);
Drawing Number 003 (Site Location Plan);
Drawing Number 004 (Block Plan – proposed); and
Drawing Number 005 (Front Boundary Elevations – Existing and Proposed).

Relevant Planning History

No relevant history

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS12 – Green Infrastructure
- CS18 – Climate Change
- CS19 – Development & Design Principles

Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards

Paragraph 33 of the NPPF (2023) sets out that policies within adopted local plans should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. Such reviews are also a legal requirement as set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012.

The Council undertook such a review in September 2019 and found that the adopted Local Plan Core Strategy is in need of a partial review in terms of Policy CS02, due to the increased need for housing since the Local Plan Core Strategy was adopted and the need to ensure that a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) generally conform with the NPPF (2023), the Council will also seek to replace these.

National Planning Policy Framework (2023)

- Section 2 – Achieving Sustainable Development
- Section 12 – Achieving well-designed and beautiful places

Supplementary Planning Guidance

- 2 - Residential layout guidelines including Housing Standards Policy Statement October 2015 Adopted 1996 – amended June 2020;
- Technical Housing Standards – nationally described space standard (2015);
- SPG 4 - KCC Parking Standards (2006);
- Householder Extensions/Alterations Design Guide (2021); and

Consultations, Publicity and Representations

Consultees

GBC Highways Officer

I have no highway objections, to the proposed carriage crossover.

I would however suggest that given the location of the manhole and the small area of verge between the adjacent crossovers, the crossover should be moved slightly to provide a single 9.6 metre crossover, there being sufficient depth within the front garden to permit manoeuvring space.

I note the applicant states the existing footway will remain, but in all probability it will require reconstruction to allow vehicles to overrun it. Similarly if vehicles are liable to overrun the manhole, this may require reconstruction, replacement or in the worst case relocation. All works will have to be funded by the applicant and be approved by Kent County Council as Highway Authority.

KCC Highways and Transportation

Referring to the above description, it would appear that this development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements. If there are any material highway safety concerns that you consider should be brought to the attention of the HA, then please contact us again with your specific concerns for our consideration.

Informative: It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.

Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the public highway. Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil.

Works on private land may also affect the public highway. These include works to cellars, to retaining

walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process.

Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissions-and-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181

Neighbouring properties

Five surrounding properties were consulted and a site notice was displayed on 08/01/2024. Three responses were received in support of the application with regards to:

- Addressing the current parking congestion.
- Prevent further damage to existing grass verge.
- Improve safety.
- Help to improve vehicle mobility

Officer's Analysis

Design, Character and Appearance

54 Livingstone Road is a two-storey end of terraced dwellinghouse located on the Southern side of the highway. The road slopes downwards in an Easterly direction. The frontage is block paved across the full width to provide off road parking. The property also benefits from vehicular access with a garage to the rear.



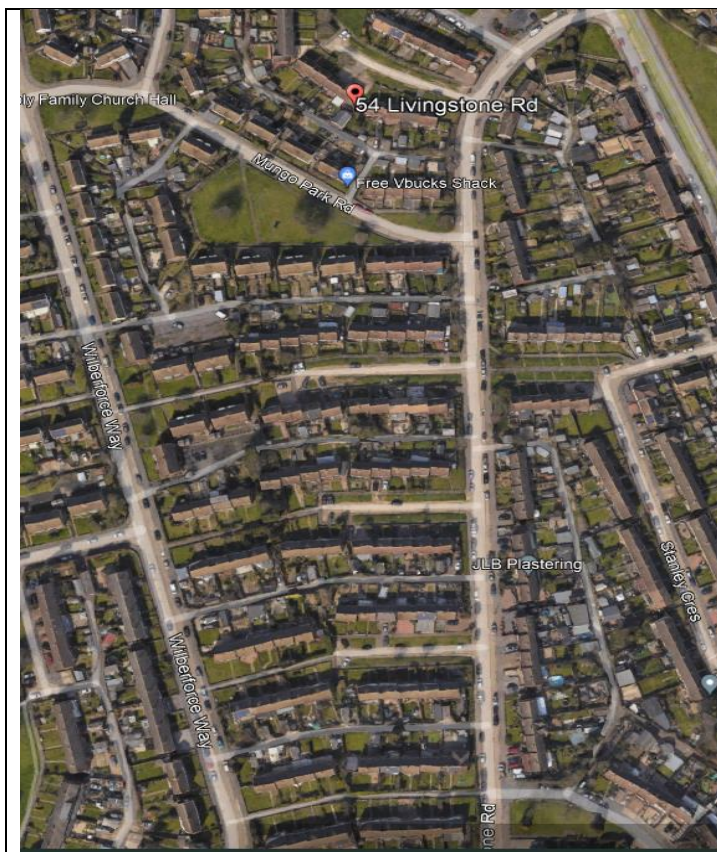
The application proposes the formation of a vehicle crossover to cross the grass verge which separates the footpath from the highway. It would have a proposed width of 4.8m and a proposed maximum depth of 4.17m. Post development and inclusive of the existing block paving to the frontage, the proposal would result in hardstanding with a total depth of approx.15.83m.

Policy CS19 (Development and Design Principles) (LPCS) states that new development will be visually attractive and locally distinctive. It should also conserve and enhance the character of the local built and natural environment and integrate well with the surrounding area.

Gravesham's Householder Extensions/Alterations Design Guidance (SPD) (2021) states *it is important to ensure that any extensions or alterations to a home are well designed, well-built and sympathetic to their surroundings. By doing so we can ensure that there are no adverse effects on the original house, immediate neighbours, the local view of the street, as well as the character and appearance of the local area.*

The existing grass verges are a key feature of the immediate street scene which is also replicated along all cul-de-sacs of Livingstone Road, as shown in the images below:

Google Earth Satellite Image	Existing Street Scene



The verges have a positive impact as they soften the character and appearance of the area and are part of the distinguishing character of the street scene. It is considered that the interruption of these verges would harden the existing street scene and as such are detrimental.

Moreover, the frontage of the application site has been block paved to the full width with no soft landscaping included resulting in an already hardened appearance which would be exasperated further by the potential loss of the grass verge. As aforementioned, the proposal would result in a hardstanding with a total depth of approximately 15.83m.



Whilst it is noted there is an existing cross over of the verge to neighbouring property known as 52 Livingstone Road, these works do not have the benefit of planning permission and highlight how the proposal would further negatively impact the characterisation of the local area. Below is a comparison of the uninterrupted verge to the Northern side of the highway:



Whilst it is also noted that there is existing damage to the grass verge due to vehicular manoeuvring and parking, it is considered further interruption of the soft landscaping to hard standing would be more detrimental to the street scene.

An appeal for a similar application at 66 Livingstone Road APP/K2230/W/21/3286036 dated 7th March 2022 was dismissed on the following grounds:

“The proposed crossover would be 4.5 wide and as such would create a significant visual break in the grass verge. This would outweigh the visual benefits of removing the unsightly area of damaged verge. In addition, virtually all of the existing area of front garden lawn would be block paved, leaving very little space for soft planting. The frontage to the dwelling would appear uncharacteristically hard and would have an urbanising impact on the street scene.” (Paragraph 11)

“As a result the proposal would unacceptably detract from the visually soft suburban character and appearance of the street scene. This harm would be exacerbated by the associated negative impact on the level and quality of biodiversity in the locality, due to the loss of verge and lawn. It would outweigh the benefits for the appellant and their family that would result from the provision of on-site parking and the potential to install an electric car charging point. It is also something that could not be satisfactorily addressed through the imposition of conditions.” (Paragraph 12).

A further appeal for a similar proposal at 162 Livingstone Road APP/K2230/D/20/3247460 dated 2nd November 2020 was also dismissed on the below:

“The loss of this undisturbed verge would further harden the appearance of the streetscene and result in harm to the appearance of the cul-de-sac where the grass verges are currently uninterrupted....” (paragraph 5)

Therefore, the proposed vehicular access over grass verge would have a detrimental effect on the character and appearance of the street scene by forming a hardstanding which would interrupt the grass verge and cause an adverse impact on the visual appearance of the surrounding area and as such the proposal fails to accord with Policy CS19 (Development and Design Principles) of Gravesham’s Local Plan Core Strategy (LPCS) (2014) and Section 12 (Achieving well-designed and beautiful places) of the National Planning Policy Framework (NPPF) (2023).

Amenity of Future Occupiers

The proposed development is considered to safeguard the amenity of future occupiers in accordance with Policy CS19 (Development and Design Principles) of Gravesham’s Local Plan Core Strategy (LPCS) (2014) and Section 12 (Achieving well-designed and beautiful places) of the National Planning Policy Framework (NPPF) (2023).

The applicant within the covering letter justifies the need for a dropped kerb due to one of the applicants having mobility issues. See below extract from the covering letter.

access road by a grassed verge. It is important to state that one of the applicants has mobility difficulties and is a blue badge holder and so accessibility is of key importance to them. Please note that a copy of the blue badge can be provided upon request.

The applicants’ personal circumstances have played a considerable part in determining this application and any forthcoming decision has not been taken lightly. The Local Planning Authority must carefully balance personal needs against design and in this instance the loss of the grass verge outweighs the needs of the applicant personal circumstances.

Neighbouring Amenity

The proposal is unlikely to result in a sense of enclosure, loss of light, loss of privacy or impact the outlook of neighbouring properties. Therefore, the proposed development is considered to safeguard the amenity of neighbouring properties in accordance with Policy CS19 (Development and Design Principles) of Gravesham's Local Plan Core Strategy (LPCS) (2014) and Section 12 (Achieving well-designed and beautiful places) of the National Planning Policy Framework (NPPF) (2023).

Any Other Material Planning Considerations

Parking and Highways

As per the Highways Officer comments above, there are no concerns with parking and highways.

Equalities Considerations

The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

In summary, the Council must, in the exercise of its function, have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- advance equality of opportunity between people who share a protected characteristic and those who do not;
- foster good relations between people who share a protected characteristic and persons who do not share it.

The duty continues to be a "have regard duty", and the weight to be attached to it is a matter for the decision maker, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations. The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled "Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice". The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value

The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:

- The essential guide to the public sector equality duty
- Meeting the equality duty in policy and decision-making
- Engagement and the equality duty
- Equality objectives and the equality duty
- Equality information and the equality duty

The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice.

The proposed provision of a hardstanding driveway dropped kerb and concrete ramp to allow easy access for disability use would not outweigh the highway danger limited visibility splays for the driveway. In

addition, there is parking provision to the rear of the property. Full weight from all comments received in reaching a decision have been taken into account.

Human Rights Implications

In determining this application, the Council is required to have regard to the provisions of the Human Rights Act 1998. Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant including:

- Article 8: Respect for your private and family life, home and correspondence
- Protocol 1, Article 1: Right to peaceful enjoyment of your property

Along with any supporting material supplied by the applicant, this report has outlined the consultation that has been undertaken on the planning application and representations made to the Council as Local Planning Authority.

In determining the application, the Council needs to satisfy itself that the potential adverse amenity impacts are acceptable and that any potential interference with the above Convention Rights are legitimate and justified. Both public and private interests are to be considered in the exercise of the Local Planning Authority's powers and duties. Any interference with a Convention right must be necessary and proportionate. The Council must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

In making the recommendation on this application, consideration has been given to the requirements of the Human Rights Act. Where it is engaged, any interference in those rights is considered proportionate, lawful and in the public interest to secure the proper planning of the area in accordance with adopted policy, having regard to any other material considerations.

Conclusion

The proposed vehicular access over grass verge would have a detrimental effect on the character and appearance of the street scene by forming a hardstanding which would interrupt the grass verge and cause an adverse impact on the visual appearance of the immediate area, as evidenced by surrounding properties which have carried out similar developments. As such, the proposal is contrary to Policy CS19 (Development and Design Principles) of Gravesham's Local Plan Core Strategy (LPCS) (2014) and Section 12 (Achieving well-designed and beautiful places) of the National Planning Policy Framework (NPPF) (2023).

Recommendation

Refusal

(For detailed conditions / reasons for refusal and informatives, see draft Decision)

Case Officer:	Mrs Nina Goodbody	Team Leader:	Richard Hart
Signed:	<i>N Goodbody</i>	Signed:	<i>R Hart</i>
Dated:	27 th January 2024	Dated:	27th February 2024