



Application: 20240549

**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 B Bhandal
C/O Chris McMullon
277 Canterbury Road
Kennington
Ashford
TN24 9QW**

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:

**73 - 75 West Street
Gravesend
Kent
DA11 0BS**

and being **Erection of a second-floor extension above existing offices to provide; 1 single occupancy, 1 bedroom flat and 1 double occupancy, 1 bedroom flat. Additional works to include erection of a cycle and bin store.**

Your application dated 23rd July 2024 is refused on the following grounds:-

1. The proposal would result in harm to the living environments of occupants of neighbouring properties. Specifically, it would result in significant overshadowing of habitable windows serving 1-15 and 16-47 Marriotts Wharf and direct overlooking of the south elevation of 16-47 Marriotts Wharf, with window to window distances below the required minimum privacy distance of habitable windows. The scale, proximity and design of the scheme would as whole, be an unneighbourly form of development which would result in overbearing bulk, severely limiting the allowance of light to south facing windows of 16-47 Marriotts Wharf. The proposal would therefore fail to provide a high standard of amenity for neighbouring's sites which conflicts with the requirements of Policy CS19 of the Gravesham Local Plan Core Strategy 2014, SPG2 Residential Layout Guidelines (2020) and paragraphs 131 and 135 of the National Planning Policy Framework 2023.
2. The development would result in undersized bedroom space, and undersized privacy distance from 16-47 Marriotts Wharf to the hallway of flat 2 of the proposed development which would result in direct and harmful overlooking from the neighbouring site. The proposal fails to provide high quality amenity space and will result in poor living standards for future occupants and as such would be contrary to Policy CS19 (Development and Design Principles) of the Gravesham Local Plan Core Strategy 2014 which states that new development shall be designed and constructed to safeguard the amenity of its occupants and paragraph 130 of the National Planning Policy Framework (2023) and SPG2 Residential Layout Guidelines (2020).

3. The proposal fails to safeguard biodiversity and 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. Therefore, the development fails to comply with the requirements of the Habitat Regulations but fails to offset biodiversity loss contrary to Section 15 (specifically paragraphs 185 and 188) of the National Planning Policy Framework (2023) and Policy CS12 of Gravesham's Local Plan Core Strategy (2014).
4. Insufficient detail has been submitted to allow the full impacts of the proposed development to be accurately assessed in terms of Noise Impact, given the location of the proposed flats on a busy road and fronting a car park in close proximity. The documents provided with the application do not include a Noise Impact Assessment. As such, it is not possible to make a determination as to the impacts of the proposal on residential amenity. The proposal is contrary to Policy CS19 of the Gravesham Local Plan Core Strategy September 2014 and Section 12 of the Nation Planning Policy Framework (2024).
5. Insufficient detail has been submitted to allow the full impacts of the proposed development to be accurately assessed in terms of Ecological Impact. The documents provided with the application do not include an Ecological Impact Assessment or a Bat Survey. As such, it is not possible to make a determination as to the impacts of the proposal on ecology and biodiversity. The proposal is contrary to Section 16 of the Nation Planning Policy Framework (2024).

INFORMATIVES:-

1 DRAWINGS/DOCUMENTS

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

Application Form

2023/37/01A - Existing Site Location Plan, and Block Plan

2023/37/02A - Existing Floor Plan

2023/37/03A - Existing Elevations

2023/37/04A - Proposed Site Location and Block Plan

2023/37/05A - Proposed Floor Plans

2023/37/06A - Proposed Elevations

2023/37/07 - Existing and Proposed Street Elevations

Design and Access 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 is not in accordance with the Development Plan for the area and cannot be supported

Dated: 24 September 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.