

Delegated Report

Householder Planning Application

Planning Application No: 20231331

Location: 56 Livingstone Road Gravesend Kent DA12 5DZ

Description: Formation of vehicle access over grass verge for existing hardstanding.

Applicant: Mr Svetoslav & Borislav Krastev

Site Visit Date: 01 November and 06 December 2023

Submitted Documents/Plans

Householder Application for Planning Permission form;
Drawing no. 001 Site plan, location plan and existing block plan;
Drawing no. 002 Site plan, location plan and proposed block plan;
Drawing no. 003 Red line site boundary plan;
Drawing no. 004 Proposed block plan;
Drawing no. 005 Existing and proposed front boundary elevations; and
Covering letter from agent dated 24 December 2023.

Relevant Planning History

Reference	Description	Decision	Decision Date
20231167	Erection of a single storey side extension with construction of patios with steps up to garden.	Permitted	05.01.2024
20230923	Application for a Proposed Lawful Development Certificate in respect of the proposed erection of single storey rear extension and detached garage.	Granted	16.11.2023

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS11 – Transport
- CS12 – Green Infrastructure
- CS18 – Climate Change
- CS19 – Development & Design Principles
- CS20 – Heritage and the Historic Environment

Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards
- T1 – Impact of Development on Highway Network
- T5 – Access to the Identified Highway Network
- TC7 – Other Archaeological Sites

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 9 – Promoting Sustainable Transport
- 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
- SPG 4 - KCC Parking Standards (2006)
- Householder Extensions/Alterations Design Guide (2021)
- Front Driveway Design Guidance 2023

Consultations, Publicity and Representations

GBC Highways Officer

I have no highway objections, to the proposed carriage crossover. However, the applicant should provide 2m x 2m pedestrian visibility splay within their property on the side of the driveway adjacent to the footpath to the front door to comply with the Highway Authority's guidance.

https://www.kent.gov.uk/_data/assets/pdf_file/0003/139485/Dropped-Kerb-Application-Guidance.pdf

“Footway Visibility - For pedestrian visibility, a splay of at least 2m x 2m with a maximum height of 0.6m from the back of footway will be required.”

On the boundary with 54 Livingstone Road, no boundary demarcation above 600mm in height should be installed, to protect pedestrian visibility in the interests of highway safety.

I note the applicant states the existing footway will remain, but in all probability it will require reconstruction to allow vehicles to overrun it. All works will have to be funded by the applicant and be approved by Kent County Council as Highway Authority.

KCC - Highways & 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.

Southern Gas Networks

No response received.

Neighbouring properties

The application was publicised by a site notice and to four neighbouring properties by letter. Two representations (in support) have been received and are summarised as follows;

- The proposal would allow cars to turn safely.
- The proposal would provide parking in a road where it is very difficult to park.
- At present cars park on grass verges and footpaths which damages the appearance of the street and undermines highway safety.

Officer's Analysis

Background

This application has been submitted following an enforcement investigation into the unauthorised formation of a frontage parking area and vehicle access at the application site. The following Google Street View image (dated November 2022) illustrates how the application site appeared prior to the recent development;



It is considered that the existing frontage parking area would have needed planning permission because it involved engineering operations. This application relates to the provision of a hard standing over the grass verge located outside the curtilage of the application site.

Design, Character and Appearance

The application site is a two-storey end of terraced dwellinghouse located on the southern side of Livingstone Road. The road slopes downwards in an easterly direction. The site frontage is partially block paved to provide off road parking (development which does not have the benefit of planning permission). The property also benefits from a recent lawful development certificate, granted for the erection of a garage in the rear garden, accessed via a private vehicular access.



The proposed development comprises of the formation of a vehicle crossover to cross the grass verge which separates the footpath from the roadway. The crossover would have a proposed width of 3 metres and a proposed depth of 3.6 metres. The existing frontage hardstanding has a width of between 2.8 metres (at the frontage) and 6.3 metres (at the rear). Post development and inclusive of the existing block paving to the frontage and the footpath, the proposal would result in a hardstanding with a total depth of approx.15.6 metres. It should be noted that the frontage hardstanding adjoins an existing extensive hardstanding at no. 54 Livingstone Road, with no boundary treatment between the properties.

Paragraph 135 of the National Planning Policy Framework 2023 (NPPF) sets out various design requirements and includes the need for the development to add to the overall quality of an area; be visually

attractive; and be sympathetic to local character, including the surrounding built environment. Paragraph 139 of the NPPF 2023 states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

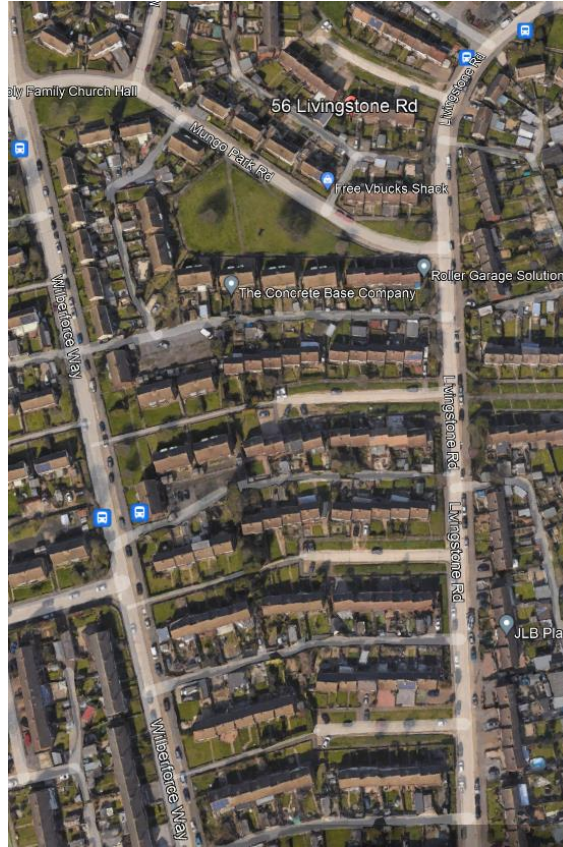
Policy CS19 of the Gravesham Local Plan Core Strategy September 2014 sets out that new development will be visually attractive, fit for purpose and locally distinctive. It should conserve and enhance the character of the built environment and take account of the scale, height, building lines and other architectural features of buildings. Account should also be taken of strategic views, site topography, the significance of heritage assets and features of townscape and landscape value which contribute to local character and sense of place.

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 the cul-de-sacs of Livingstone Road, as shown in the images below:



Google Street View Image of street scene in the vicinity of the application site



Google Earth Satellite Image of the cul-de-sacs of Livingstone Road

The grass verges have a positive impact on the street scene as they green and soften the built development and are part of the distinguishing character of the local area. It is considered that the interruption of these verges by hardstandings would harden the appearance of the existing street scene and as such, would be detrimental to the character of the surrounding area. To compensate for lack of frontage parking, the properties were designed with rear access for vehicles.

It is noted there is an existing cross over of the verge at a neighbouring property (52 Livingstone Road), but these works do not have the benefit of planning permission and highlight how the hard surfacing of the grass verge has been detrimental to the character of the area;



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:

“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)

The Householder Extensions/Alterations Design Guide SPD (2021) and the Front Driveway Design Guidance (2023) set out a number of considerations in relation to frontage parking. These include that the hardstanding should be proportionate to the size of the dwelling and the vehicle parking standards, proposals should avoid paving over significant areas and that a soft landscaped, planted border should be provided on all boundaries. At the application site, some landscaping has been retained in the front garden but the lack of planting or a boundary treatment on the western boundary has been detrimental to the character of the frontage. It would have been preferable for the existing hardstanding to have been formed further to the east, so that a planted border and a boundary treatment could have been provided on the western side of the front garden.

Furthermore, the existing hardstanding is much wider at the rear than at the front and the width and depth are much greater than that required for a single parking space (but less width than that required for two parking spaces). The Extensions/Alterations Design Guide SPD (2021) and the Front Driveway Design Guidance (2023) set out a minimum of 2.5 metres width and 5 metres depth for a single space. As such, it would have been preferable for the existing hardstanding to have been smaller, to reduce the proliferation of hardstanding and to allow for more landscaping in the front garden.

It is considered that the existing design issues for the frontage parking area would exacerbate the adverse impact of the proposed hardstanding across the grass verge, on the character and appearance of the street scene.

It is noted that planning permission has recently been refused for a similar but wider vehicle crossover at the neighbouring property, no. 54 Livingstone Road (reference 20231333). The ground of refusal is as follows;

1. 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).

Overall, it is considered that the grass verge immediately in front of the application site provides an important green break in an otherwise built up area and despite there being some existing driveways, it appears as a linear green feature along Livingstone Road. The proposed development would result in a wide, hard surfaced break in the grass verge, which would be detrimental to visual amenity and harmful to the character and appearance of the surrounding area. As such, the proposed development would be contrary to Policy CS19 of the Gravesham Local Plan Core Strategy September 2014, to the Householder Extensions/Alterations Design Guide (2021) and to paragraph 135 of the 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 (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;

the dwelling is a footpath, which is separated from the access road by a grassed verge. It is important to state that one of the occupiers 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 applicants' 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 (2023).

Parking and Highways

The GBC Highways Officer has not raised an objection to the proposal but seeks the provision of a 2 metre x 2 metre pedestrian visibility splay (within which nothing is greater than 0.6 metres in height) on the eastern side of the driveway. The Householder Extensions/Alterations Design Guide SPD (2021) illustrates this how visibility splays should normally be achieved;



Sufficient space would be available within the front garden on the eastern side, to accommodate the required single visibility splay and therefore details can be submitted and approved pursuant to a condition on any planning permission granted.

The comments of KCC - Highways & Transportation can be brought to the attention of the applicants via an informative attached to any planning permission granted.

Overall, the proposal would not be detrimental to highway safety and would be in line with Policy CS11 (Transport) of Gravesham's Local Plan Core Strategy (LPCS) (2014) and Saved Policies T1 and T5 of the Gravesham Local Plan First Review (1994).

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.

Any Other Material Planning Considerations

The application site is located within an area of multi-period archaeological potential and Groundwater Source Protection Zone 2. However, as the proposed development involves only a relatively small amount of groundworks, then it is considered that there would be no adverse impacts to groundwater or archaeology. As such, the proposal would be in line with Policies CS19 and CS20 of the Gravesham Local

Plan Core Strategy (September 2014) and Saved Policy TC7 of the Gravesham Local Plan First Review November 1994.

The application site is located in close proximity to a gas pipeline (along the site frontage/grass verge). Southern Gas Networks has not responded to a consultation request but as the works would be relatively minor, it is considered that they could be undertaken with no adverse impacts to gas infrastructure. The applicant should be made aware of the gas pipeline via an informative on any planning permission granted.

The representations in support of the proposal are noted but it is considered that the issues raised do not outweigh the adverse design impacts of the proposed development.

Conclusion & Recommendation

The proposed development would have no adverse highway safety, residential amenity, gas infrastructure, groundwater or archaeological impacts. Furthermore, it would provide improved access to the application property. All of which weigh in support of the proposal. However, the design of the proposed development would lead to an unacceptable amount of hardstanding, which would be detrimental to the character and appearance of the street scene.

Overall, it is considered that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits and therefore planning permission should be refused on design grounds.

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

Case Officer:	Mrs Kelly Joyce	Team Leader:	Miss Faye Hobbs
Signed:		Signed:	
Dated:	28th February 2024	Dated:	29 February 2024