

Application: 20231326

**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: **Mr Arif Rana
C/O Mrs Diana Onchere, Mac Designers Ltd
92 Manordene Road
Thamesmead
London
SE28 8EU**

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:

**53 Villa Road
Higham
Rochester
Kent
ME3 7BU**

and being **Demolition of existing structures and erection of 3 bungalows.**

Your application dated 28th March 2025 is refused on the following grounds:-

1. The pattern, grain and scale of development does not respond to the prevailing pattern and intervals of existing development of the existing character of the area, and would result in a cramped plot, which would be wholly out of character with the existing area. The proposal would appear as an incongruous and cramped form of development which would constitute an overdevelopment of the plot, of an inappropriate density. The dwellings together with the extensive removal of the existing greenery across the site and proposed hard surfaced areas would significantly diminish the open and spacious character of this residential garden. As such, the proposal is contrary to Policies CS14, CS15 and CS19 of the Gravesham Local Plan Core Strategy, September 2014 and paragraphs 135 of the of the NPPF (2024) in terms of design, character and appearance
2. The proposal fails to provide high quality amenity space and would result in poor living standards for future occupants by virtue of the siting, orientation and design of the proposed dwellings with lack of sufficient spacing between the proposed dwellings, resulting in development harmful to their amenity and privacy. 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 135 of the National Planning Policy Framework (2024) and SPG2 Residential Layout Guidelines (2020).
3. The proposed development by virtue of the siting, orientation and design of the proposed dwellings would result in existing and future occupiers of the neighbouring dwelling no's, 51 Villa Road and 55 Villa Road being overlooked and an overbearing and unneighbourly form of development harmful to their amenity and privacy. As such the proposal would

be contrary to Policy CS19 of the Gravesham Local Plan Core Strategy (2014) and paragraph 135(f) of the National Planning Policy Framework (2024).

4. The proposed development by virtue of the siting, orientation and design of the proposed dwellings would result in harm to the residential amenity of existing and future occupiers of the neighbouring dwelling as a result of overbearing and unneighbourly form of development harmful to their amenity and privacy. As such the proposal would be contrary to Policy CS19 of the Gravesham Local Plan Core Strategy (2014) and paragraph 135(f) of the National Planning Policy Framework (2024).
5. The application has not been accompanied by the minimum information set out in Article 7 of The Town and Country Planning (Development Management Procedure) (England) Order 2015. In the absence of this information, the Council is not satisfied that the proposal would meet existing statutory requirements relating to Biodiversity Net Gain as well as the tests set out in the National Planning Policy Framework (2024) and Policy CS12 of the Gravesham Local Plan Core Strategy (2014).
6. 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 192 and 195) of the National Planning Policy Framework (2024) and Policy CS12 of Gravesham's Local Plan Core Strategy (2014).

INFORMATIVES:-

1 DRAWINGS AND DOCUMENTS

For the avoidance of doubt the decision to refuse this application was taken in relation to the following plans and documents:

Application Form
A100 Rev 1 - Site Location
A101 Rev A - Block Plans
A102 - Comparison Block Plan
A103 - Existing Floor Plans
A104 - Unit 1 Floor Plan
A105 - Unit 1 Roof Plan
A106 - Unit 1 Elevations
A107 - Unit 1 Elevations 2
A108 - Unit 1 Sections
A109 - Existing Elevation
A109.1 - Existing Elevation 2
A110 - Unit 2 and 3 Floor Plan
A111 - Unit 2 and 3 Roof Plan
A112 Rev 1 - Unit 2 and 3 Elevations 1
A113 Rev 1 - Unit 2 and 3 Elevations 2
A114 - Unit 2 Sections
A116 - Street Scene
A117 - Unit 1 Solar Panels
A118 - Unit 2 Solar Panels
Preliminary Ecology Appraisal and Roost Assessment
Transport Statement
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 39 of the National Planning Policy Framework (NPPF) 2024, 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 proposal is not in accordance with the development plan.

Dated: 23 May 2025

Civic Centre
Windmill Street
Gravesend
Kent
DA12 1AU

Shazad Ghani
MPhil, MA, BA (Hons)
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.