



Delegated Report

Householder Planning Application

Planning Application No: 20230881

Location: Sunnyside Valley Drive Gravesend Kent

Description: Retention of front boundary wall, with the associated railings and two sliding gates.

Applicant: Dr And Mr S And C Ahmad

Site Visit Date: 28 March 2024

Submitted Documents/Plans

Householder Application for Planning Permission form;
Drawing no. 543/02 Site plan approved under 20020352 and 20030159;
Drawing no. 543/03A Street elevations approved under 200030159 and as built in 2003 and layout;
Drawing no. 543/04 Existing site plan;
Drawing no. 543/05A Existing elevation (gates closed) and existing layout;
Drawing no. 543/06A Existing elevation (gates open) and existing layout;
Site location plan; and
Planning Statement 16 August 2023.

Relevant Planning History

Reference	Description	Decision	Decision Date
20030828	Erection of a shed on existing hardstanding in the rear garden.	Refused	11.11.2003
20030159	Retention of front boundary wall with pillars varying in height from 1040mm to 1048mm and south boundary wall measuring 2070mm in height - Permitted Retention of the hard standing area in the rear garden - Refused	Split decision	28.04.2003
20020352	Erection of two storey front and side extensions; part two storey, part single storey rear extension and first floor side extension to form dining room, kitchen, family room, 2 bedrooms, en-suite bathroom/wc, cloakroom and porch at ground floor level with 4 enlarged bedrooms, 2 en-suite shower room/wc's, bedroom and bathroom/wc at first floor level.	Permitted	24.06.2002
20020111	Demolition of existing dwelling and erection of a detached two storey five bedroom dwelling with attached garage.	Withdrawn	26.03.2002

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

Gravesham Local Plan: First Review (1994)

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

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)
- Gravesham Landscape Character Assessment (2009)

Other Relevant Guidance

- Kent County Council Dropped Kerb Guidance and Self-Assessment (2023)
- Driveway Dropped Kerb Guidance (2023)
- Front Driveway Design Guidance (2023)

Consultations, Publicity and Representations

GBC Highways Officer

Considering application 20030159 I note the decision notice for the front boundary wall in condition 2, required the provision of pedestrian visibility splays,

2 Within a period of two months following the grant of planning permission, revised plans shall be submitted showing a reduction in height of the front boundary wall on the northern side of the southern access point in order to provide a 2m x 2m pedestrian visibility splay. Thereafter no obstruction greater than 600mm in height shall be erected or placed within the areas of the access visibility splays as shown on the plan approved submitted pursuant to this condition. Thereafter the visibility splays approved pursuant to this condition shall be completed in full within a period of four months from the date of this permission.

2 In the interests of pedestrian and highway safety

Therefore, in my view the original applicant did not comply with the condition of his application and provide the necessary pedestrian visibility splays.

With regards to the reference to the situation at Woodlands I'm unable to trace a planning permission for the front boundary wall, although it is possible one exists. Looking at other properties in the road, the immediate neighbours to the south, have an inset gate and a curved front boundary wall to provide visibility splays for pedestrians



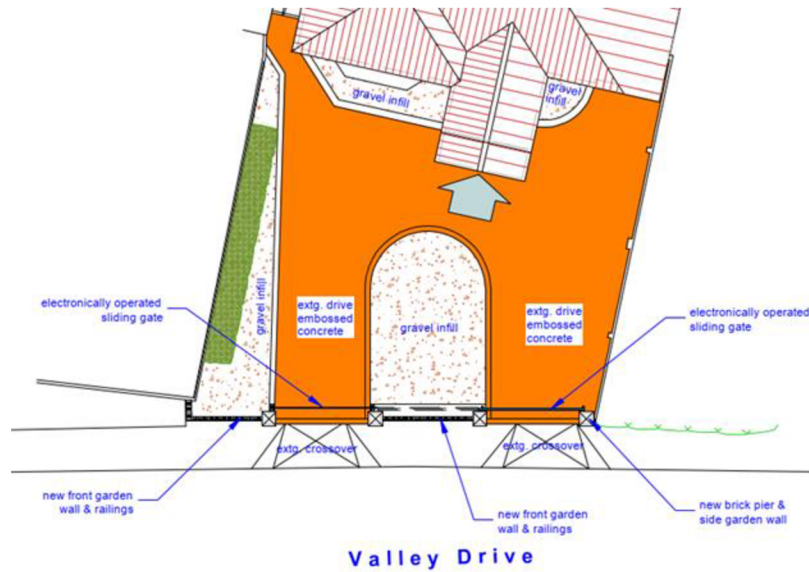
Google Street View November 2022.



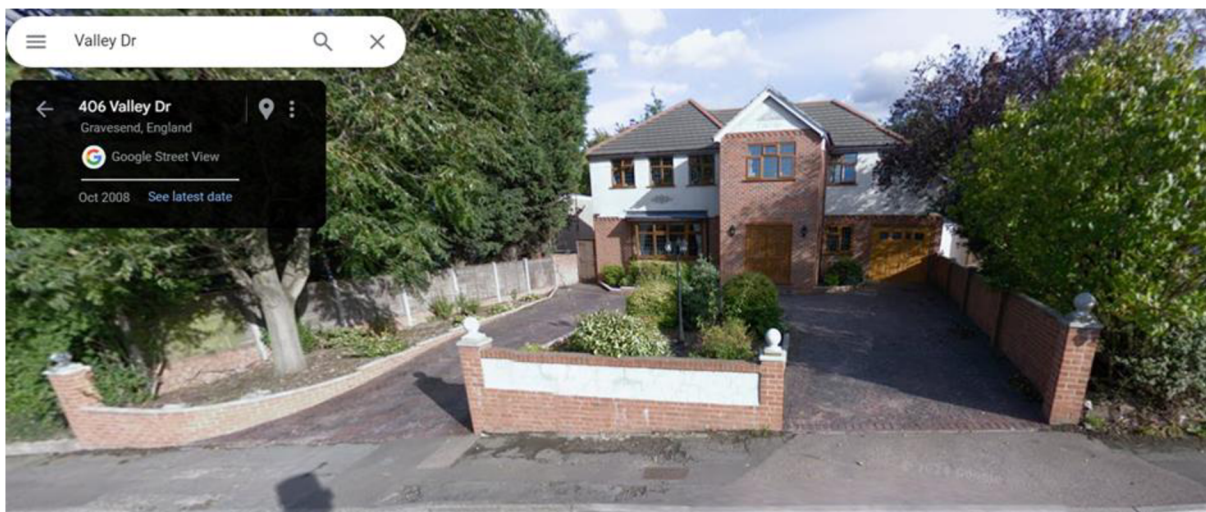
Property to the immediate north Google Street View November 2022.

Both immediate neighbours have gates inset and a boundary treatment that provides for pedestrian visibility. It is a traditional requirement to have gates to inset to ensure vehicles do not obstruct the carriageway whilst the gates are open or closed, particularly on busy roads like Valley Drive which forms part of a major link between Gravesend Town Centre and the A2. However, with the Governments emphasis on Active Travel and the priority that should be given to pedestrians, gates should ideally be inset sufficiently that the footway is not obstructed.

With regards to the gates being locked open during the day, this I believe to be virtually unenforceable and would compromise the required security of the property. There is also the possibility that the gates and railings would restrict or even block visibility at certain angles.



It is noted that the previous boundary treatment at the application site was a wall of between 1.2 and 1.5 metres height and although a planning permission was granted for a similar wall (reference 20030159) the actual wall constructed was different than that approved. The following Google Streetview image dates from October 2008;



The proposed gates are automated and slide across two openings to provide two vehicle access points of four metres width. They are located immediately adjacent to the back edge of the footpath and are illustrated below (image date 28 March 2024);



The front boundary treatments in the area surrounding the application site are mainly characterised by low walls and vegetation. Although Woodside, Valley Drive (the adjacent property to the south) and Glendale (the adjacent property to the north) have a metal railings/gates/walls. In addition, Woodlands, Valley Lane (located further to the south) also has a metal gate/wall arrangement.

The proposed wall and railings are constructed from good quality materials and although harsh and urban in appearance, do not appear significantly out of character with the surrounding area.

The application site is located in the Higham Arable Farmlands Landscape Character Area (LCA) and as such, Policy CS12 of the Gravesham Local Plan Core Strategy September 2014 is relevant. This policy states that the overall landscape character of the Borough will be conserved, restored and enhanced and that the Gravesham Landscape Character Assessment will be taken into account in determining applications. In relation to the Higham Arable Farmlands LCA, this document states that the overall condition of the landscape is poor and that it has moderate sensitivity. It recommends that the key landscape elements in poor condition should be restored and that the whole area should be safeguarded as a prominent landscape feature in the wider landscape.

The application site is located in an existing urban area and the proposed development would be within a residential curtilage. The proposal would result in a small increase in the amount of built development in the locality but would not adversely affect the landscape character of the surrounding area.

Overall, the proposed development would be appropriate in terms of design and would not have an adverse impact on the character or appearance of existing building or the surrounding area. Therefore, the proposal would be in line with Policies CS12 and CS19 of the Gravesham Local Plan Core Strategy (September 2014) and broadly in line with the Householder Extensions/Alterations Design Guide SPD (2021).

Amenity of Future Occupiers

The proposed development would not adversely impact upon the private amenity space or internal layout of the application property or the privacy, daylight or sunlight of its occupants. As such, the proposal would not be detrimental to the amenity of future occupiers and would be in line with Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014).

Neighbouring Amenity

Due to the design of the proposed development and to the layout and orientation of the surrounding properties, there would be no adverse overshadowing or overbearing impacts to the occupiers of the surrounding dwellings. As such, the proposed development would not be detrimental to the residential amenity of surrounding occupiers and would be in line with Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014).

Parking and Highways

Paragraph 114(b) of the NPPF 2023 requires new development to ensure that safe and suitable access can be achieved for all users and paragraph 115 sets out that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.

Policy CS11 of the Gravesham Local Plan Core Strategy (2014) requires new development to mitigate its impact on the highway and public transport networks and to provide sufficient parking in accordance with adopted parking standards.

Saved Policy T1 of the Gravesham Local Plan First Review (1994) sets out that the impact on the transport system and environment of traffic generated by new development will be considered and Saved Policy T5 requires new accesses to be in an acceptable location and to an acceptable standard and to not give rise to danger.

The KCC Dropped Kerb Guidance and Self-Assessment (2023) document states that gates should not

open outwards onto the public highway and that there should be a minimum distance of 5.5m from the highway edge in order to ensure that vehicles do not obstruct the public highway when accessing a property. Furthermore, the document sets out that there should be a pedestrian visibility splay of at least 2 metres by 2 metres from the back edge of the footway, with a maximum height of 0.6 metres above footway level.

The GBC Front Driveway Design Guidance 2023 states that front driveways should not include gates but where they already exist, they must not open outwards and allow enough space for them to be opened inwardly whilst a car is parked. It specifically states that gates will not receive planning permission unless they are set well back from the edge of the carriageway/footway as they can result in vehicles obstructing the highway to the detriment of road safety and the free flow of traffic including pedestrians and cyclists. It specifies a minimum set back of 6 metres. It also states that gates should enable a pedestrian on the footway to have clear visibility of any vehicle exiting (i.e. be railings or have transparency) and should not be of a height that blocks visibility of passing pedestrians and should enable visibility from the roadway. Lastly it states that pedestrian and vehicle visibility splays should be provided.

Valley Drive is an unnumbered classified road (sometimes known as a C Class road) with a speed limit of 30 miles per hour. There are no parking or waiting restrictions in the section where the application site is located. The road is well trafficked and forms part of a major link between Gravesend Town Centre and the A2. According to Crashmap data, there have been nine vehicle incidents (one of which was serious) in the vicinity of the application site.

The proposed boundary wall/railings/gates at the application site abut the back edge of the footway, with a maximum height of 2.4 metres and do not provide any pedestrian or vehicle visibility splays. Due to the lack of any set back, vehicles entering the application site would be required to wait for the gates to open before entering, which would result in vehicles being stationary on the carriageway or across the pavement, outside the application site.

It is noted that the proposed gates would have automated opening, but such a system does not work for ad hoc visitors and is dependent on the system being in working order. Even in use, it is possible that a vehicle would have to wait on the carriageway or across the pavement (depending on the distance over which the opening mechanism would operate). As such, the proposal would obstruct the free flow of traffic on the roadway and pedestrians on the pavement and be detrimental to highway safety.

The lack of any pedestrian visibility splays would result in drivers exiting the application site with limited visibility, resulting in dangers to passing pedestrians.

The GBC Highways Officer has raised an objection to the proposal in the interests of highway safety and the free flow of traffic and highlights that both immediate neighbours of the application site have inset gates and a boundary treatment that provides for pedestrian visibility. Also, he has set out that allowing the application could set a dangerous precedent for other applications.

Whilst it is acknowledged that a similar driveway and front wall arrangement existed prior to the proposed development, this proposal (by virtue of the addition of a higher boundary treatment incorporating railings/gates) has altered visibility for users of the driveway and pedestrians using the footpath fronting the application site and now impedes traffic flow on Valley Drive.

It is also acknowledged that Woodlands, Valley Drive (located to the south of the application site) has an existing boundary treatment that incorporates a metal gate that is not set back from the edge of the pavement and has no pedestrian visibility splays. Importantly, no planning permission has been granted for this arrangement and as such, it will be brought to the attention of the GBC Planning Enforcement Team. It is considered that even if the arrangement at Woodlands is lawful, it would not provide an adequate justification for the proposed development at the application site. This is because the current proposal must be judged against relevant development plan policies and design guidance and not against existing development which has circumnavigated the usual planning process.

Overall, it is considered that the proposed development would obstruct the free flow of traffic and pedestrians on Valley Drive and impede pedestrian visibility. As such, the proposal would be detrimental to highway safety and contrary to Policy CS11 of the Gravesham Local Plan Core Strategy 2014, to Saved Policies T1 and T5 of the Gravesham Local Plan First Review (1994), to paragraph 114(b) of the NPPF 2023, to the KCC Dropped Kerb Guidance and Self-Assessment (2023), to the Householder Extensions/Alterations Design Guide (2021) and the GBC Front Driveway Design Guidance 2023.

Conclusion & Recommendation

The proposed development would have no adverse impacts on residential amenity and would be appropriate in design. However the proposal would obstruct the free flow of traffic on Valley Drive and provide inadequate pedestrian visibility, which would be detrimental to highway safety.

Overall, it is considered that the adverse impacts of the proposed development attract significant weight and would significantly and demonstrably outweigh the benefits of the proposal. Therefore, following a thorough assessment of the application and all material planning considerations, it is considered that the proposed development cannot be supported and that planning permission should be refused on the following ground;

The proposed development would make insufficient provision for safe access to, and egress from, the application site, leading to vehicles obstructing the free flow of traffic on Valley Drive and drivers having poor visibility and presenting dangers to passing pedestrians. As such, the proposal would be detrimental to highway safety and contrary to Policy CS11 of the Gravesham Local Plan Core Strategy 2014, to Saved Policies T1 and T5 of the Gravesham Local Plan First Review (1994), to paragraph 114(b) of the NPPF 2023, to the KCC Dropped Kerb Guidance and Self-Assessment (2023), to the Householder Extensions/Alterations Design Guide (2021) and the GBC Front Driveway Design Guidance 2023.

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

Case Officer:	Mrs Kelly Joyce	Team Leader:	Richard Hart
Signed:		Signed:	
Dated:	03 October 2024	Dated:	3rd October 2024