

Delegated Report

Householder Planning Application

Planning Application No: 20230841

Location: 128 Livingstone Road Gravesend Kent DA12 5DY

Description: Creation of vehicular access onto Livingstone Road with access over a grass verge and tarmac drive.

Applicant: Mrs Trudy Hussey

Submitted Documents/Plans

- Application Form
- Drawing No: TH/05 (Existing/Proposed Sections)
- Drawing No: TH/04 (Proposed Frontage Plan and Elevation)
- Drawing No: TH/03 (Existing Frontage Plan and Elevation)
- Drawing No: TH/02 (Existing/Proposed Block Plans)
- Drawing No: TH/01 (Site Location Map)

Relevant Planning History

No relevant planning 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

Saved Policies in the Gravesham Local Plan First Review (November 1994):

- P3 – Vehicle Parking Standards

Paragraph 33 of the NPPF (2023) sets out those 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 The review 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 a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) general conform with the National Planning Policy Framework (2023), the Council will also seek to replace these.

Other material considerations

National Planning Policy Framework (2023)

- Section 2 – Achieving sustainable development
- Section 12 – Achieving well-designed places
- Section 15 – Conserving and enhancing the natural environment

Supplementary Planning Guidance

- SPG2 - Residential Layout Guidelines (2020)
- SPG 4 - KCC Parking Standards (2006)

Consultations, Publicity and Representations

Local Ward Councillors

No comments Received.

GBC – Highways Officer

The proposal seems excessive. The front garden is already paved but can only provide for the parking of one vehicle if adopted standards are applied. A parking space is 2.5 metres wide by 5 metres deep with the width being increased by 200mm on any side where there is an enclosing boundary.

The uphill section of the front garden is suitable for the parking for a single vehicle, whilst the downhill section is enclosed on both sides with encroaching steps that further limit the width to 2.6 metres at the narrowest section, so is not considered suitable as a parking space. The removal or relocation of the steps to the rear of the uphill parking space would however correct this.

As presented, I would suggest that the width of the carriage crossover is excessive. Kent County Council's standard dropped kerb consists of 4 dropped kerbs and 2 tapers so approximately 5.5 metres wide and not the 7.1 metres as shown on the drawing, but a saving of some 1.6 metres on what is shown. It should also be noted that the suggested width would permit a vehicle to be parked parallel to the highway within the verge width.

As presented, I would recommend refusal of the application, but alterations would make an acceptable layout.

KCC Highways

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.

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.

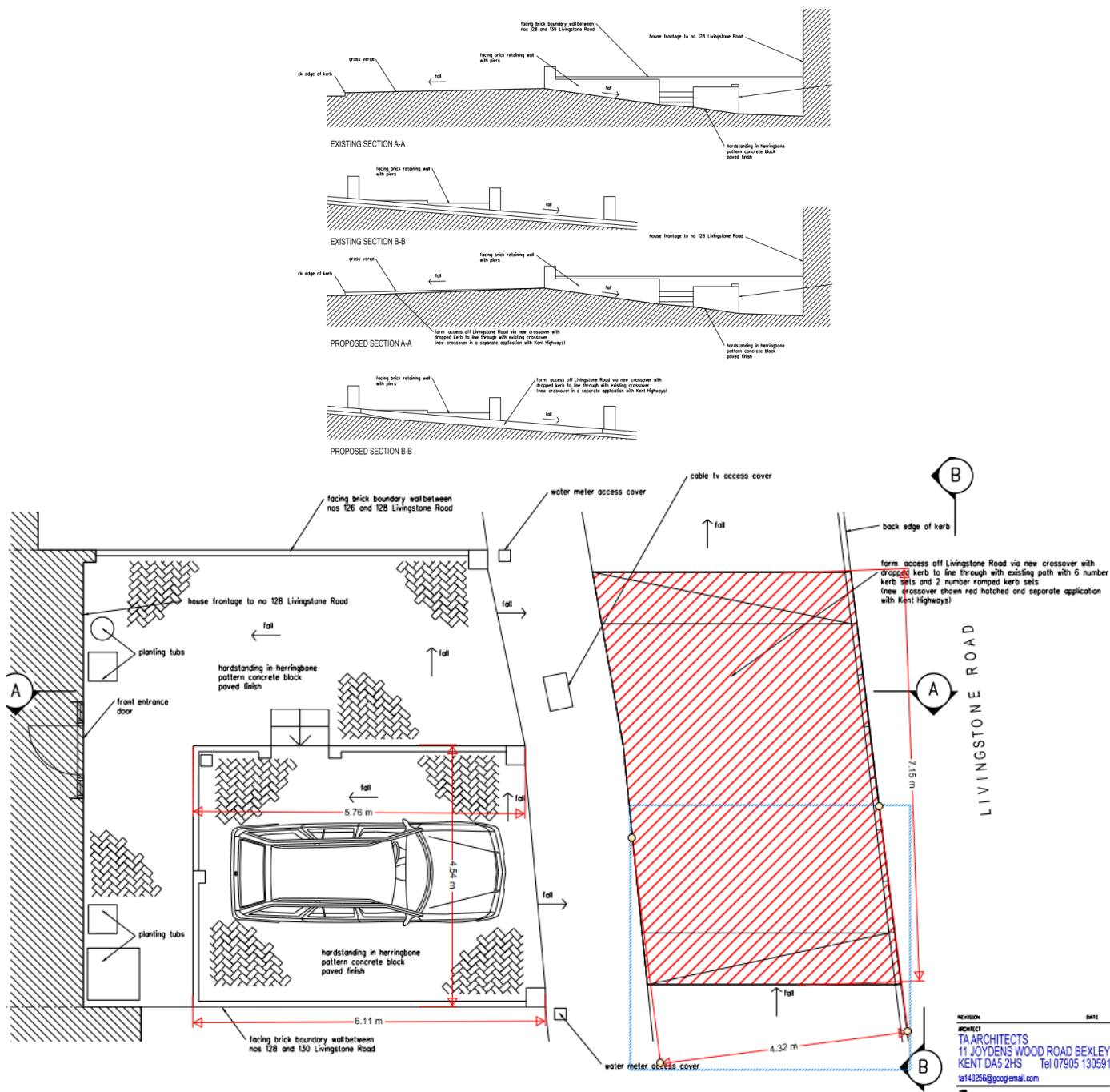
Neighbouring properties

The application was advertised by way of letters to 5 surrounding properties. The consultation period expired on 18/09/2023 and no comments were received.

Analysis

Proposal

The proposal seeks to create a vehicular access onto Livingstone Road with access over a grass verge. This is shown below and it should be noted that the engineering works have to the front of the property has been completed.



Character and Appearance

Developments are required to be visually attractive, integrate well with their surroundings and to conserve and enhance the character of the local environment in order to comply with Policy CS19 (Development and Design Principles) of the Local Plan Core Strategy (LPCS) (2014).

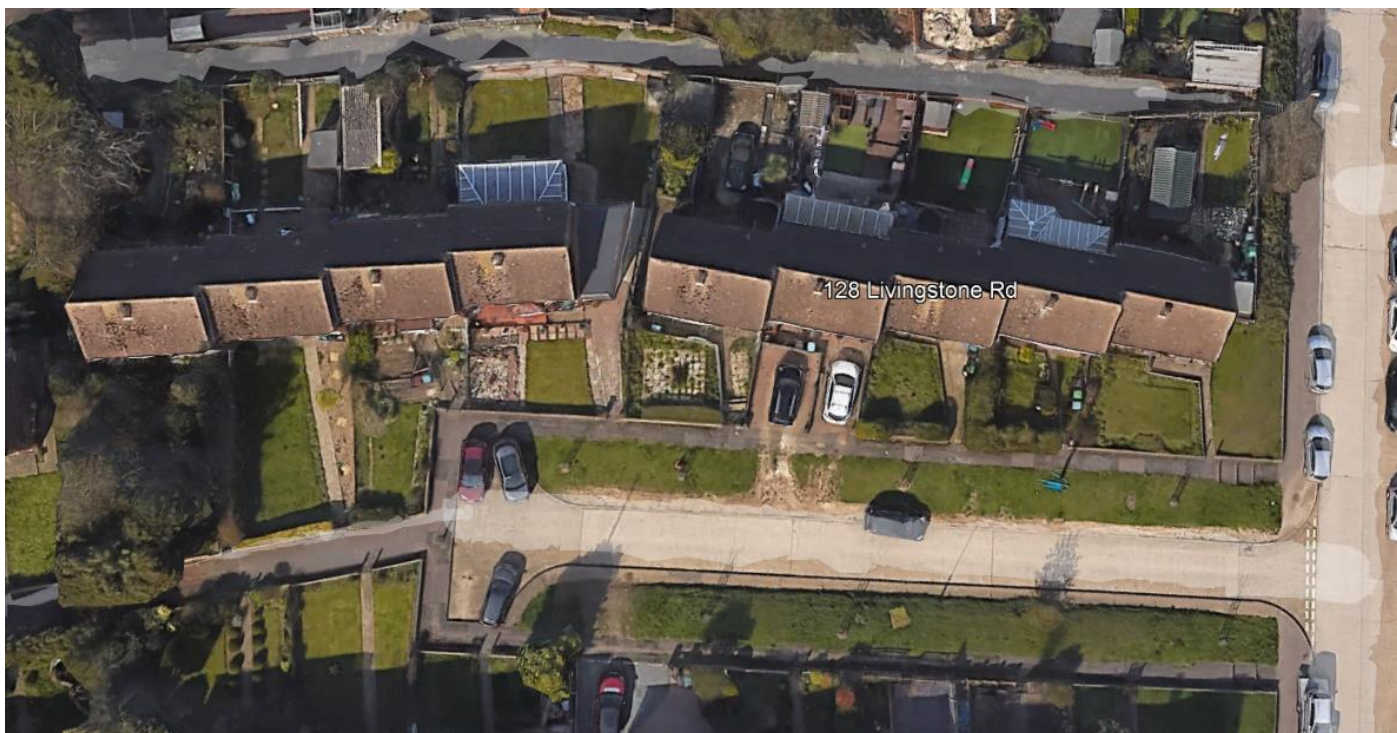
The grass verge is considered to contribute significantly to the character of the area and is consistent feature throughout the cul-du-sac. It is acknowledged that the quality of the grass verge in front of the application site has been eroded by unauthorised vehicles crossing over the grass verge.

It is considered that the loss of the grass verge, by virtue of creating a crossover and hardstanding would fail to conserve or enhance the character of the area and will detrimentally impact on the appearance of the street scene.

This is shown below.



The grass verge runs between the footway and highway, it enhances the character of the area and softens the existing streetscene therefore having a positive contribution on the area. The area consists of primarily on street parking with properties having use of a rear access way with some having garages to the rear of the plots allowing for off road parking.



The proposal seeks to remove a 7.1m wide area of the grass verge and replace it with tarmac to facilitate a cross over and a dropped kerb. The current hard paving in existence is made of concrete blocks and serves a split level garden which has been in existence for a significant period of time. This may have required planning permission due to an alteration to the land levels, however google earth images indicate this arrangement has been in place since at least 2011 and would therefore be immune from any enforcement action. Whilst the proposal shows the garden will be used for single vehicle parking it is evident that two cars are sometimes parked in site as can be seen from the above image.

It should be reiterated that well maintained grass verges are a typical and repeated feature along Livingstone Road that soften the street scene and contribute positively to the visual amenity and character and appearance of the area.

In an appeal for a similar application at 162 Livingstone Road APP/K2230/D/20/3247460 dated 2nd November 2020 the appeal officer stated:

"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)

A further appeal for a similar proposal was also dismissed with the appeal officer citing: (Appeal at 23 Hillingdon Road (APP/K2230/D/20/3249712 dated 18th December 2019);

"The appellant has referred to a permission which was granted in 2018 for the creation of a vehicular access and associated hardstanding area at No.10 Hillingdon Road. That permission included a greater provision for landscaping to that which is now being proposed and it appears that the difference in level between that site and the pavement was not as great as is the case with the appeal proposal. In addition, it is not clear from the information provided whether the proposal involved the loss of a street tree. I therefore do not consider that to be a directly comparable situation."

It is evident from the above appeal decisions and other applications in the vicinity that proposal such as this will not be supported by the local planning authority due to their harmful urbanising impact.

As aforementioned above, the existing soft landscaping has recently been removed resulting in a net loss of biodiversity. This is contrary to Section 15 of the NPPF (2023), which states that developments should

result in a biodiversity net gain. The proposal does not demonstrate how biodiversity net gain is to be achieved, therefore it is contrary to both local and national policy.

It is considered that the permanent loss of the grass verge along with the vehicle parking would erode considerably the soft landscape quality of the streetscape. This would result in significant harm to the visual amenity, character and appearance of the area. The proposal is considered contrary to Policy CS19 of the Local Plan Core Strategy 2014 and Section 12 of the National Planning Policy Framework 2023.

Amenity of Future Occupiers

The proposal would not result in any harm to the amenity of future occupiers of the property. There would be no loss of existing amenity space and there would be no bedrooms added to the property. As such in respect of amenity of future occupiers the proposal is considered to comply with SPG2 Residential Layout Guidelines (2020) and Policy CS19 of the Local Plan Core Strategy 2014.

Neighbouring Amenity

The proposal would not result in any harm to the amenity of occupiers of surrounding properties. There would be no loss of sunlight, overlooking, overbearing or loss of outlook as a result of the proposal. As such in respect of amenity of occupiers of neighbouring properties the proposal is considered to comply with SPG2 Residential Layout Guidelines (2020) and Policy CS19 of the Local Plan Core Strategy 2014.

Parking and Highways

The single parking space is considered to be acceptable in terms of parking standards, however there is concern that the excessive width of the dropped kerb may be utilised to serve the downhill portion of the garden which does not comply with parking standards. It may be necessary to impose a condition which restricts vehicle parking on the lower part of the garden should permission be forthcoming as a means of ensure there is no substandard parking.

It is also noted that there is scope for off road parking to the rear of the property which has been utilised by neighbouring properties and could be explored by the applicant as an alternative to the proposed.

It is considered that there is not sufficient grounds for refusal on highway terms for the submitted application.

Conclusion & Recommendation

The proposed application is recommended for refusal owing to the below ground:

The proposed formation of a vehicular crossover would result in the removal of a grass verge which would have an adverse effect on the character and appearance of the street-scene. The proposal would also result in a loss of amenity and biodiversity in the form of a grass verge. The application is therefore contrary to Policies CS12 and CS19 (Development and Design Principles) of Gravesham's Local Plan Core Strategy (2014) and Section 12 of the National Planning Policy Framework (2023).

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

Case Officer:	Mrs Sharon Sahota	Team Leader:	Richard Hart
Signed:		Signed:	<i>R Hart</i>
Dated:	06/10/2023	Dated:	9th October 2023

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