

Delegated Report

Householder Planning Application

Planning Application No: 20240358

Location: 20 Old Road West Gravesend Kent DA11 0LJ

Description: Demolition of front wall, creation of vehicle access and driveway to front with installation of a dropped kerb and associated works to pathway.

Applicant: Mr Vidal Rollings Bull

Site Visit Date: 21st May 2024

Submitted Documents/Plans

Planning Application Form;
Drawing No. 10 – Location Plan;
Drawing No. 11 – Existing and Proposed Block Plan;
Drawing No. 100 Rev A – Existing and Proposed Ground Floor Plan;
Drawing No. 200 – Existing and Proposed Elevations & Sections;
3D Creation Plans – Driveway/Dropped Kerb – Proposed;
Creation CAD Design Plan Cross Section; and
Description of Proposed Works.

Relevant Planning History

Reference	Description	Decision	Decision Date
20151061	Creation of vehicular access onto Old Road West and associated hardstanding area.	Refused	27.01.2016

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
- 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.

Other material considerations

National Planning Policy Framework (2023)

- Section 2 – Achieving Sustainable Development
- 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); and

Other relevant guidance

- Kent County Council Vehicle Crossing: - Guidance and Self-Assessment (2018)

Supplementary Planning Guidance

- SPG 4 - KCC Parking Standards (2006)
- SPD4 - Householder Extensions/Alterations Design Guide (2021)

Consultations, Publicity and Representations

Local Ward Councillors

No comments received.

KCC Highways and Transportation

Thank you for your consultation in relation to the above planning application. I have the following comments to make with respect to highway matters :-

The application proposes the creation of a vehicle access from Old West Road which is a classified road, two parking spaces are to be created.

To ensure that the required pedestrian visibility can be achieved, the walls either side of the access must be under 0.6m high.

I refer to the above planning application and confirm that provided the following requirements are secured by condition or planning obligation, then I would raise no objection on behalf of the local highway authority:-

Provision of measures to prevent the discharge of surface water onto the highway.

Provision and permanent retention of the vehicle parking spaces shown on the submitted plans prior to the use of the site commencing.

Use of a bound surface for the first 5 metres of the access from the edge of the highway.

Provision and maintenance of 2 metres x 2 metres pedestrian visibility splays behind the footway on both sides of the access with no obstructions over 0.6m above footway level, prior to the use of the site commencing.

Planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council - Highways and Transportation (web:

www.kent.gov.uk/roads_and_transport.aspx or telephone: 03000 418181) in order to obtain the necessary Application Pack.

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.

Neighbouring properties

The application was advertised by way of site notice letters to two surrounding properties. The consultation period expired on 22nd May 2024 and no comments were received.

Analysis

Background

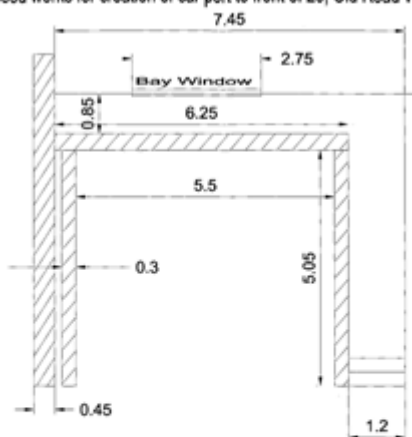
As the planning history shows, a similar development for the Creation of vehicular access onto Old Road West and associated hardstanding area, against planning application reference 20150161 was refused in January 2016 for the following reasons;

- 1. The proposed vehicle access and hardstanding would be unsafe in terms of its impact upon the highway. The proposed development would not provide sufficient space for vehicles to enter or leave the site in a forward gear, leading to vehicles reversing onto the busy B261, which would be detrimental to highway safety. Therefore, the proposed development would be contrary to Policy C11 of the Gravesham Local Plan Core Strategy September 2014, Policy T5 of the Gravesham Local Plan First Review November 1994 and to the advice set out in the Vehicle Accesses on Classified Highways Planning Guidance Note 6 February 2009.*
- 2. The proposed vehicle access and hardstanding would detract from the character and amenity of the*

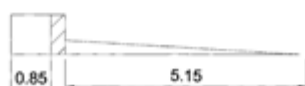
street scene in Old Road West, by virtue of the loss of the existing front garden and boundary treatment. The boundary treatments on the northern side of Old Road West are characterised by low walls and hedges, which soften the frontages of the dwellings and are an important feature of the street scene. Therefore the proposed development would have a detrimental impact on visual amenity and as such, it would be contrary to Policy CS19 of the Gravesham Local Plan Core Strategy September 2014.

Proposed Plan (20150161)

Proposed works for creation of car port to front of 20, Old Road West



Cross-section of proposed car port at 20, Old Road West



The design largely remains the same as the works that have been carried out and the principle of the development is the same. This current application will be assessed against current local and national planning policy.

Proposal

The application is to seek retrospective planning permission for the demolition of front wall, creation of vehicle access and driveway to front with installation of a dropped kerb and associated works to pathway.

The works carried out, can be seen in the images below;



The constructed hardstanding measures 4.95m wide at the front, widening to 5m at the rear and 5m deep

from the rear retaining wall to the property boundary. It is bounded by three retaining walls with a height of 1.17m at the back, 1.17m on the eastern facing side wall and 1.33m on the western facing side wall.

Character and Appearance

The application property is located at No. 20 Old Road West is two storey semi-detached dwelling located on the northern side of Old Road West which is a classified Road (B261). The property previously had an original front retaining wall, mature hedging, feature pathway, gravel borders and laid to lawn area. This side of Old Road West is characterised by similar properties that sit higher from the road and footpath and benefit from dwarf walls, raised garden areas and decorative steps and pathways. Any works to create a driveway would require planning permission.

As a result of the works that have been carried out, the original feature front boundary wall, tiled front steps and pathway and mature hedging have been removed, the laid to lawn front garden has been fully excavated and the land levels significantly changed. The following image shows the property prior to development and the streetscene to which it sits:



It is acknowledged that some of the properties on Old Road West have driveways and dropped kerbs, however these are located on the southern side where the land levels are significantly lower, in line with the footpath and therefore no engineering works are required and the impact significantly lower.

The loss of the feature wall, pathway and attractive laid to lawn garden and mature boundary hedging has resulted in a detrimental impact on the visual amenity and hardening of the streetscene. This section of Old Road West on the northern side comprises of 14no. semi-detached houses of the same design, many of which have retained the same low level feature wall, decorative pillars and pathways. The development at No. 20 Old Road West has removed this original features of the property which contribute positively to the character of the host property and the area as a whole. The use of yellow stock brick does not match or compliment the original pillars and the loss of the front boundary wall and pathway removes a feature of the row of properties on the north side of Old Road West.

As such, it is considered that the introduction of hardstanding, retaining walls and subsequent alterations of the land levels has introduced a harsh urban development in place of soft landscaping, together with the loss of the feature wall and pathway, which contribute positively to the locality, is detrimental to the visual amenity of the street scene and character of the host dwelling and surrounding character of the area. The development is therefore contrary to Policy CS19 (Development and Design Principles) of the Gravesham Local Plan Core Strategy (2014), Section 12 of the National Planning Policy Framework (NPPF) (2023) achieving well-designed and beautiful places and section 10.21 of the Householder Extensions/Alterations Design Guide (2021).

Amenity of Future Occupiers

The proposal would not result in any harm to the amenity of future occupiers of the property. As such in respect of amenity of future occupiers the proposal is considered to comply with SPG2 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.

Parking and Highways

As the application is for a vehicle cross over the impact on parking and highway safety is a key consideration in the determination of this application.

KCC Highways and Transportation have stated in their consultation response that *'to ensure that the required pedestrian visibility can be achieved, the walls either side of the access must be under 0.6m high'*. They further state that in order for the development to be acceptable *'provision and maintenance of 2 metres x 2 metres pedestrian visibility splays behind the footway on both sides of the access with no obstructions over 0.6m above footway level, prior to the use of the site commencing.'*

The constructed side boundary/retaining walls with a height of 1.17m on the eastern side and 1.33m on the northern side up to the property boundary with the footpath have removed all sight lines when exiting the driveway, obscuring views of both the footpath and highway. With no adequate vision splays, the development has resulted in a highway safety impact. The development is detrimental to highway safety and is therefore contrary to CS11 and CS19 of the Gravesham Local Plan Core Strategy 2014, Policy T5 Local Plan First Review (1994) and section 10.21 of the Householder Extensions/Alterations Design Guide (2021).

In a similar case for a proposed dropped kerb, the planning inspectorate ruled in favour of Worcester City Council as it was felt the introduction of a cross over was contrary to adopted guidance thus resulting in harm to highway safety. (See Appendix 1, APP/D1835/D/21/3292373).

Other Matters

Biodiversity

The development has removed a significant amount of mature hedging and a generous amount of lawn area at the property and as such has resulted in a loss of biodiversity.

The development that has been carried out includes small areas of planting within the side retaining walls as shown in the following image;



This can only be considered as 'token' planting and has in no way addressed the extensive loss of soft landscaping that has occurred.

As such, it is considered that there is insufficient soft landscaping to mitigate the extent of biodiversity which has been removed. Accordingly, the development is contrary to Policy CS12 (Green Infrastructure) of Gravesham's Local Plan Core Strategy (LPCS) (2014) and Section 15 (Conserving and Enhancing the Natural Environment) of the National Planning Policy Framework (NPPF) 2023.

Conclusion & Recommendation

For the reasons laid out above, it is considered that the development that has occurred at No. 20 Old Road West, is contrary to local and national planning policy and is recommended for refusal.

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

Case Officer:	Ms Amanda Cue	Team Leader:	Richard Hart
Signed:	<i>A Cue</i>	Signed:	<i>R Hart</i>
Dated:	14 th June 2024	Dated:	14th June 2024