



Application: 20240569

**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

To: **Mr Bilal Farooq
C/O Mr Syed Ishtiaq, Icon Design Studio Ltd
187 Marlborough Road
Gillingham
ME7 5HR
United Kingdom**

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:

**33 Central Avenue
Gravesend
Kent
DA12 5AN**

and being **Erection of a two bedroom house with new vehicle crossover and dropped kerb.**

Your application dated 2nd July 2024 is refused on the following grounds:-

1. The proposed dwelling is inappropriate development on a corner plot which disrupts an established building line, develops a planned open area within the street scene and is a cramped form of development that is contrived in design, is out of character and out of keeping with the layout and appearance of the properties in the immediate area. Moreover, the development harms the character and appearance of the area through the removal of the decorative front boundary wall for vehicular parking. On this basis, the proposal is considered to be contrary to the requirements of Policies CS15 and CS19 of the Gravesham Local Plan Core Strategy (2014), and paragraphs 125, 128, 131 and 135 of the National Planning Policy Framework (2023).
2. The proposal is cramped onto the site and fails to safeguard amenity of future occupiers of the existing and new dwellings by virtue of loss of light, loss of outlook and sense of enclosure impacts on habitable bedroom windows. Therefore, by virtue of impacts on habitable rooms the development fails to safeguard the amenity of future occupiers and is contrary to Policy CS19 of the Gravesham Local Plan Core Strategy (2014) and Section 12 of the National Planning Policy Framework (2023).
3. The proposed crossover and driveways represent a risk to highway safety and an increased chance of collision due to proximity to junction, substandard depths causing vehicles to overhang the footway and inadequate sightlines. As such the proposal is contrary to Policies CS11 of the Gravesham Local Plan Core Strategy (2014), saved policy T5 of Gravesham Local Plan First Review (1994) and Kent County Council dropped kerb guidance (2023), as well as Section 9 of the National Planning Policy Framework (2023).

4. The development fails to safeguard biodiversity by failing to provide any biodiversity net gain or mitigate harm caused to the Special Protection Areas. Therefore, the development fails to comply with the requirements of the Habitat Regulations and fails to offset biodiversity loss contrary to Section 15 (specifically paragraphs 185 and 186) of the National Planning Policy Framework (2023) and Policy CS12 of the Gravesham 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 - dated 24 June 2024;
Signed Certificate B - dated 27 June 2024;
Ordnance Survey Site Location Plan (scale - 1:1250);
Existing Block Plan (scale - 1:500);
Proposed Block Plan (scale - 1:500);
Drawing no. ICON-167-P1 - Existing and Proposed Ground Floor Plans;
Drawing no. ICON-167-P2 - Existing and Proposed First Floor and Loft Plans;
Drawing no. ICON-167-P1 - Existing and Proposed Elevations.

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 38 of the National Planning Policy Framework (NPPF) 2023, the Local Planning Authority has approached the assessment and determination of this application in a positive and creative manner. In this instance the application is not in accordance with the Development Plan for the area and cannot be supported.

Dated: 4 September 2024

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.