

# Delegated Report

## *Householder Planning Application*

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**Planning Application No:** 20231138

**Location:** 22 Thong Lane Gravesend Kent DA12 4LD

**Description:** Creation of vehicle access and driveway to front.

**Applicant:** Mrs Sophie Lewis

**Site Visit Date:** 06 December 2023

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### Submitted Documents/Plans

Householder Application for Planning Permission form;  
Red line site boundary plan;  
Drawing no. TQRQM23326201919825 Proposed block plan;  
7 photographs; and  
Letter from KCC Ashford Highway Depot dated 23.10.23

### Relevant Planning History

None.

### 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
- CS20 – Heritage and the Historic Environment

#### Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards
- T1 – Impact of Development on Highway Network
- T5 – Access to the Identified Highway Network
- TC7 – Other Archaeological Sites

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

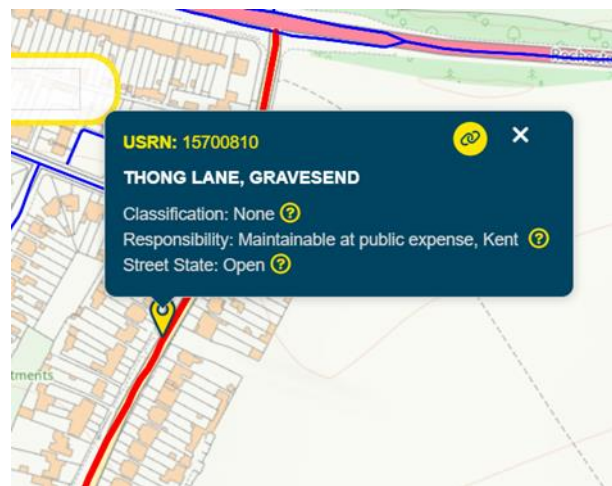
#### Supplementary Planning Guidance

- 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)
- Kent Design Guide Making it Happen – Highways (Design Standards – Residential & Industrial)
- Kent Design Guide Review: Interim Guidance Note 3 Residential Parking (2008)
- KCC Residential Dropped Kerb Guidance and Self-Assessment May (2023)

#### **Consultations, Publicity and Representations**

##### GBC Highways Officer

Thong Lane according to the FindMyStreet data base is an unclassified highway maintainable at public expense, and the road is subject to a 30mph speed limit.



The Kent Design Guide states, *Wherever, possible driveways should incorporate shallow gradients or include roll-over details. (see opposite). Drivers will have less control of their vehicle's speed on steeper gradients, which could result in accidents.* (Making it Happen, Design Standards Page 26).

Unfortunately, the drawing provided in the Kent Design Guide due to its size and reproduction quality is unhelpful. See below and the applicant would have to contact KCC directly on this matter.

The information provided in Creating the Designs for a sharded private drive, but equally applicable to a single driveway is *the maximum gradient should be 10%, although will permit gradients up to 13%. It also provides the following information, measures may be needed for driveways having a steep downward gradient to prevent vehicles grounding . This can include providing a roll over as shown below or modifying footway cross fall gradients* (Kent Design Guide Creating the Design Page 133).

Given this guidance if planning permission is required, I would need to see detailed drawings demonstrating how the crossover can be constructed whilst constraining the gradient to acceptable levels. Where possible steep gradients should be avoided as in inclement weather there is a greater risk of a vehicle sliding into

the carriageway.

#### KCC - Highways & Transportation

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.

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.

Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissions-and-technical-guidance>.

Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181

#### Neighbouring properties

The application was publicised by a site notice and to six neighbouring properties by letter. One representation has been received and is summarised as follows;

- Fully supports the application.

#### **Officer's Analysis**

### Design, Character and Appearance

Paragraph 130 of the National Planning Policy Framework 2023 (NPPF) sets out various design requirements and includes the need for the development to add to the overall quality of an area; be visually attractive; and be sympathetic to local character, including the surrounding built environment. Paragraph 134 of the NPPF 2023 states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

Policy CS19 of the Gravesham Local Plan Core Strategy September 2014 sets out that new development will be visually attractive, fit for purpose and locally distinctive. It should conserve and enhance the character of the built environment and take account of the scale, height, building lines and other architectural features of buildings. Account should also be taken of strategic views, site topography, the significance of heritage assets and features of townscape and landscape value which contribute to local character and sense of place.

In relation to front gardens and parking, the Householder Extensions/Alterations Design Guide (2021) sets out (amongst other things) that hardstandings should be proportionate to the size of the dwelling and the car parking standards and should avoid paving over a significant amount of the site frontage. Planted borders should be provided along all boundaries and landscaping should be provided in all spaces not required for parking or turning.

The application property is a two storey, semi-detached dwelling, located on the western side of Thong Lane on land that is significantly higher than the roadway. There is a strip of amenity grassland than runs between the pavement/site frontage and the roadway.



Site visit photograph 06 December 2023

It is noted that the properties surrounding the application site are characterised by having low front boundary treatments (walls mainly), elevated above the highway.

The proposed development comprises of the retention of a hardstanding in the front garden and the installation of a dropped kerb and hardstanding to allow vehicle access to the front garden parking area. The hardstanding is located across the grass verge and would stretch across the full width of the site frontage with a tarmac surface. There would be no front boundary treatment at the application site. A small area of grass has been retained.

Prior to the recent works to the site frontage, the application site benefitted from a low-level boundary wall, mature landscaping and a grassed front garden. This had a positive contribution to the visual amenities of the street scene and was typical of the surrounding area.



Google Street View image November 2022

The amenity grassed verge located in front of the application site is an important feature of the street scene, which greens and softens this urban area. The application site is highlighted with a blue arrow below;



Google Aerial Image March 2022

Whilst it is noted that although there are three existing examples of hardstandings that breach the existing grassed verge, none of these extend across the full width of their respective site frontages and each site has retained an area of frontage boundary treatment.

It is also noted that in dismissing an appeal for a proposal for an increased width access across the grassed verge with no frontage boundary treatment at no. 32 Thong Lane (red arrow above) (appeal reference APP/K2230/D/18/3196592), the Inspector stated that;

“Thong Lane is primarily residential in character and it is a pleasant location, though it is a rather busy road and a bus route. In the vicinity of the appeal site, the appearance of the streetscene is enhanced by a wide grass verge that slopes up gently from the road surface along the western frontage. On this side of the road, the dwellings are conventional in character, typically comprising semi-detached pairs and short terraces, several of which have crossovers to the road to enable cars to be parked in their front gardens.”

“The front boundary treatment that is required by Condition 2 is necessary to preserve the character of the frontage but, more importantly, to prevent indiscriminate manoeuvring of vehicles over the grass verge, damaging the appearance of the verge and undermining the restriction on the width

of the crossover that has been allowed. This condition, too, is necessary to protect the appearance of the streetscene and is plainly justified.”

The location of no. 32 Thong Lane is shown with a red arrow in the above image and a copy of the Inspector’s decision is contained in Appendix 1.

The proposed frontage parking area is significant in size and disproportionate to the size of the dwelling. This is because it provides parking for three vehicles, which is greater than the two spaces required for a three or four bedroom property in a suburban edge location. In addition, the parking area does not contain planted borders. These design issues are contrary to the Householder Extensions/Alterations Design Guide (2021).

It is noted that an area of grass is located at the rear of the frontage parking area. However, it is considered that this grassed area does not sufficiently soften the extent of the hard surfacing in the front garden.

It is considered that the grass verge immediately in front of the application site provides an important green break in an otherwise built up area and despite there being some existing driveways, it appears as a linear green feature along the western side of the Thong Lane. The proposed development would result in a wide, hard surfaced break in the grass verge and the loss of the whole front boundary treatment at the application site, which would be detrimental to visual amenity and harmful to the character and appearance of the surrounding area. As such, the proposed development would be contrary to Policy CS19 of the Gravesham Local Plan Core Strategy September 2014, to the Householder Extensions/Alterations Design Guide (2021) and to paragraph 130 of the NPPF 2023.

#### Amenity of Future Occupiers

Policy CS19 of the Gravesham Local Plan Core Strategy September 2014 requires new development to be located, designed and constructed to safeguard the amenity, including privacy, daylight and sunlight, of its occupants. In this regard, the Nationally Described Space Standards (NDSS) and the Borough Council’s adopted Residential Layout Guidelines (RLG) are relevant.

The proposed development would improve the living conditions for future occupiers. As such, the proposal would not be detrimental to their residential amenity and would be in line with Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014).

#### Neighbouring Amenity

Policy CS19 of the Gravesham Local Plan Core Strategy September 2014 requires new development to be located, designed and constructed to safeguard the amenity, including privacy, daylight and sunlight, of neighbouring occupiers. In this regard, the Borough Council’s adopted Residential Layout Guidelines (RLG) are relevant.

The closest residential properties to the application site are nos. 20 and 24 Thong Lane (located to the north and south respectively). Nos. 25 to 29 Thong Lane are located to the south across the roadway.

Due to the distance between the proposed development and the neighbouring properties and to the design of the proposed development, there would be no adverse impacts to the residential amenity of any of the surrounding occupiers. As such, it is considered that the proposal would be in line with Policy CS19 of the Gravesham Local Plan Core Strategy September 2014.

#### Highways and Parking

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 (amongst other things) that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety.

Policy CS11 of the Gravesham Local Plan Core Strategy September 2014 and Saved Policies T1 and P3 of the Gravesham Local Plan First Review November 1994 require 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 T5 of the Gravesham Local Plan First Review (1994) requires new accesses to be in an acceptable location and to an acceptable standard and to not give rise to danger.

According to the Borough Council's adopted Vehicle Parking Standards, a three bedroom dwelling should have two vehicle parking spaces and according to the KCC Residential Dropped Kerb Guidance and Self-Assessment document, parking spaces located perpendicular to the roadway should be a minimum of 2.4 metres (width) by 4.8 or 6 metres (depth). Six metres depth would be required if the space is in front of an access door or garage.

The proposed frontage parking area could accommodate three vehicles, which would be in excess of the requirements of the adopted Vehicle Parking Standards.

The information provided by KCC Highways & Transportation can be drawn to the attention of the applicant in an informative attached to any planning permission granted.

The GBC Highways Officer has raised concerns regarding the gradient of the proposed hardstanding outside of the application site. He requires the submission of detailed drawings demonstrating how the crossover can be constructed whilst constraining the gradient to acceptable levels. However, in light of the significant design issues raised above, the applicant has not been asked to provide further information.

Therefore, it is not possible to assess whether the proposed access would be of an acceptable standard or be detrimental to highway safety.

Overall, the proposed development fails to demonstrate that there would be no adverse highway safety impacts and as such, the proposal would be contrary to Policy CS11 of the Gravesham Local Plan Core Strategy (2014), Saved Policy T5 of the Gravesham Local Plan First Review (1994) and paragraph 114(a) of the NPPF 2023.

#### Ecology and biodiversity

The NPPF 2023 requires planning decisions to protect and enhance sites of biodiversity value (at paragraph 180(a)) and to minimise impacts on, and provide net gains for, biodiversity (at paragraph 180(d)). Paragraph 186 of the NPPF 2023 states that when determining planning applications, Local Planning Authorities should refuse planning permission if significant harm to biodiversity cannot be avoided, adequately mitigated or, as a last resort, compensated for.

Policy CS12 of the Gravesham Local Plan Core Strategy (September 2014) requires no net loss of biodiversity in Gravesham and seeks opportunities to enhance, restore, re-create and maintain habitats particularly in Biodiversity Opportunity Areas and within new developments.

The proposed development would be within an existing residential garden and on amenity grassland that is located immediately in front of it. The front garden, prior to recent works, was laid to grass with mature vegetation. It is currently block paved with a small, grassed area. The surfacing for the proposed hardstanding outside the site would be tarmac. Therefore, the proposal would result in the replacement of existing vegetated areas with significant areas of hardstanding and would be detrimental to biodiversity. The small, grassed area on the site frontage would not be sufficient to mitigate the adverse impacts to biodiversity and as such, the proposed development would be contrary to Policy CS12 of the Gravesham Local Plan Core Strategy (2014) and paragraph 180 of the NPPF 2023.

#### Any Other Material Planning Considerations

The application site is located within an area of multi-period archaeological potential. However, as the proposed development comprises of a relatively small amount of groundworks, then it is considered that there would be no adverse impacts to archaeology. As such, the proposal would be in line with Policies CS19 and CS20 of the Gravesham Local Plan Core Strategy (September 2014) and Saved Policy TC7 of the Gravesham Local Plan First Review November 1994.

The support of a local resident is acknowledged but it does not overcome the adverse impacts of the proposed development set out above.

### Conclusion & Recommendation

The proposed development would have no adverse residential amenity or archaeological impacts and would provide sufficient car parking. All of which weigh in support of the proposal. However, the design of the proposed development would lead to an unacceptable amount of hardstanding and a loss of a frontage boundary treatment, which would be detrimental to the character and appearance of the street scene. Furthermore, the proposal would be detrimental to highway safety and biodiversity.

Overall, it is considered that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits and therefore planning permission should be refused on design, highways and biodiversity grounds.

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

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|----------------------|-----------------------------------------------------------------------------------|---------------------|-------------------------------------------------------------------------------------|
| <b>Case Officer:</b> | Mrs Kelly Joyce                                                                   | <b>Team Leader:</b> | Miss Faye Hobbs                                                                     |
| <b>Signed:</b>       |  | <b>Signed:</b>      |  |
| <b>Dated:</b>        | 11th January 2024                                                                 | <b>Dated:</b>       | 11 January 2024                                                                     |