



# Delegated Report

## Householder Planning Application

**Planning Application No:** 20221108

**Location:** 1 Cheneys Cottages Thong Lane Shorne Gravesend

**Description:** Creation of a parking area surfaced with porous tarmac and finished with resin bound gravel.

**Applicant:** Mr & Mrs D Chubb

**Site Visit Date:** Previous application ref. 20220586

### Submitted Documents/Plans

- Application form;
- Drawing no. 21/348/01 – Site plan and location plan;
- Planning, Design and Access Statement;
- Ultidrive porous document;
- Drawing no. 21/348/01 F – Sketch plan.

### Relevant Planning History

| Reference | Description                                                                                                                                                                                                                                                                                                                                     | Decision                         | Decision Date                |
|-----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|------------------------------|
| 20220586  | Creation of a parking area surfaced with porous tarmac and finished with resin bound gravel.                                                                                                                                                                                                                                                    | Refused                          | 26.07.2022                   |
| 20211403  | Application for the approval of conditions 3, 4 and 5 attached to planning application reference number 20190929 allowed on appeal under reference number APP/K2230/D/20/3244216 relating to (3) external facing materials, (4) pedestrian visibility splays and (5) soft landscaping.                                                          | Approval of details              | 02.03.2022                   |
| 20200630  | Application for the approval of conditions 3, 4 and 5 attached to planning permission reference number 20190929 allowed on Appeal reference APP/K2230/D/20/3244216 relating to External facing materials to be used for the surfacing of the hardstanding, pedestrian visibility splays to allow safe exit onto Thong Lane and soft landscaping | Refusal of details               | 19.08.2020                   |
| 20190929  | Removal of part of existing hedgerow to the frontage and formation of vehicular access with new gate and formation of vehicle hardstanding.                                                                                                                                                                                                     | Refused<br><br>Allowed on appeal | 15.11.2019<br><br>26.06.2020 |
| 20190898  | Removal of part of existing hedgerow to the frontage and formation of vehicular access with new gate and formation of vehicle hardstanding.                                                                                                                                                                                                     | Withdrawn                        | 23.09.2019                   |

## **Development Plan**

### Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS11 - Transport
- CS12 – Green Infrastructure
- CS19 - Development & Design Principles
- CS20 – Heritage and the Historic Environment

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

- P3 – Vehicle Parking Standards
- TC3 – Development Affecting Conservation Areas

Paragraph 33 of the NPPF (2021) 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 (2021), the Council will also seek to replace these.

### National Planning Policy Framework (2021)

- 2 – Achieving Sustainable Development
- 12 – Achieving sustainable development and well-designed places
- 13 – Protecting Green Belt land
- 14 – Meeting the challenge of climate change, flooding and coastal change
- 15 – Conserving and enhancing the natural environment
- 16 – Conserving and enhancing the historic environment

### 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);
- Gravesham Landscape Character Assessment (2009);
- Thong Rural Conservation Area Appraisal Supplementary Planning Document (2016);
- Management Plan Rural Conservation Area Appraisals Supplementary Planning Document (2016).

## **Consultations, Publicity and Representations**

### Consultees

### KCC Public Rights of Way

Public Rights of Way NS167 lies to the south of the application area and may be affected by the application and I therefore enclose a copy of the Public Rights of Way network map showing the definitive line of the path for your information.

It is important to advise the applicants that a public right of way must not be stopped up, diverted, obstructed or the surface disturbed and there must be no encroachment on the current width, at any time now or in future. This includes any building materials or waste generated during any of the construction

phases. Please note that no furniture or fixtures may be erected on or across Public Rights of Way without the express consent of the Highways Authority.

### Shorne Parish Council

This is a further application following the refusal by GBC of application ref 20220586, with the proposed parking area reduced in size with squaring off, but the opening enlarged.

The Parish Council continues to have some concerns about this application:

#### 1) Retrospective application:

Regrettably, the application is largely retrospective despite the applicant being aware that the property is located in a Conservation Area and that planning permission is therefore needed. It would have been preferable not to have been put in this situation.

#### 2) Size and layout of parking area:

The original size and entrance of the parking area (not drive as in part described) is what was applied for by the applicant. The Parish Council raised no objections. Subsequently, having that design accommodating just two parking spaces was considered acceptable to the Appeal Inspector.

In retrospect, the layout originally proposed and approved was not optimal, and if revision is required then a combined wide driveway and access path (as at Orchard House next door) would be better as the driveway would then provide turning space and visitor parking. Also, a greater hedge height could be achieved which would better screen the vehicles from sight.

The original application as approved at the Appeal had a parking area that was informally laid out, approximately 10.5m wide, with depth varying between about 4m and 6m deep, and with only a 3.8m wide opening in the hedge. The inference was that vehicles would park parallel to each other and the roadway.

The present application has a parking area that is approximately 12.5m wide by 6m deep and the opening width is 6.5m, i.e. a double vehicle width. We previously requested that a parking layout plan should also be submitted, in order to clarify and define the orientation in which vehicles are to be parked, but this has not been provided.

If vehicles will park perpendicular to the roadway, the parking area does not need to be so wide if it is only accommodating two vehicles. The same width as the proposed opening (6.5m) would be adequate and would in effect match other dwellings in the row.

If vehicles are to park parallel to the roadway, as seems to be the case, then the opening does not need to be so wide and the original 3.8m opening to a 10.5m total width would seem adequate.

The arrangement as seen on Google Streetview appears adequate save for the excess depth and that the fence has been cut back too far on the right hand side. The hedge can be replanted.



We are not convinced that making the opening even wider and more central will assist parking arrangements, rather the opposite, or that it is a requirement for two vehicles to be able to pass each other.

Traffic volume data and speed is presented but it is still the case that we are not aware of any evidence that parking on the roadside is impossible or unsafe in this location, no incidents being recorded on "CrashMap" in the last ten years.

**3) Structural aspects:**

There are no longer any steps shown from the parking area to the path. We had previously commented that "the parking area should be lower at the back than the front so that excess water drains back onto the property rather than the roadway, and the path (if needed) should then either be flat or at most gently sloped".

**4) Parking Area surface:**

We note the comments from the GBC Highways Officer in the Officer Report for application ref 20211403, we were not made aware of the proposed change to a resin surface prior to the decision.

The applicant previously suggested that reinforced mesh with grass might be substituted. If that is acceptable to GBC Highways, then it might be more suitable for and compatible with the rural and Conservation Area location as it could appear to just be a grassed area.

**5) Fencing:**

Fencing off a parking area from the property it serves is unusual, we are not aware of any other residential property in the immediate area or further afield where this is the case. The appearance is visually intrusive, particularly if the roadside opening is to be wider, whereas the original informal plan was described in the Appeal decision notice that "it would not result in a notably more intensive form of development and would still maintain the character of openness that is prevalent within the site and its surroundings". With the larger, resin surfaced area plus the fencing and pathway, this is not now the case.

**6) Exterior lighting:**

No exterior lighting is indicated on the plans however the Google Streetview image shows some lights affixed to fence posts, a Conditions might be appropriate.

**Dickens Country Protection Society**

The Society notes the site is in an area within which Green Belt Policies apply and the Thong Conservation Area. In the Society's view the size of the proposed car park is excessive for a three bedrooms cottage and would have an adverse impact on the conservation area.

The Society notes that a similar application made under reference 20220586 was refused. The Society commented on that application that the parking area was too long and the current proposal is a similar length.

**Neighbouring properties**

4 surrounding properties were consulted plus site notice – overall consultation expiry date was 25.11.2022 - no responses received.

**Officer's Analysis**

The application site consists of a two storey end of terrace dwelling situated in the Thong Conservation Area, in the Green Belt and in the Shorne Woodland Landscape Character Area.

This application is for 'Creation of a parking area surfaced with porous tarmac and finished with resin bound gravel'. The works have already been commenced on site to a degree in terms of the laying of an extended area of hardstanding larger than that approved on appeal and the erection of some fencing. Changes are

proposed in this application however, to what has been carried out on site already (as applied for retention in refused application ref. 20220586).

Planning permission was granted on appeal in 2019 for 'removal of part of existing hedgerow to the frontage and formation of vehicular access with new gate and formation of vehicle hardstanding' under ref. 20190929 (refused 15.11.2019; allowed on appeal on 26.06.2020 ref. APP/K2230/D/20/3244216). This was subject to a number of conditions including nos. 3, 4 and 5 which the applicant applied to discharge under application ref. 20200630 however, which was refused on the basis of insufficient information being submitted for each of the conditions.

The applicant applied again to discharge condition nos. 3, 4 and 5 under application ref. 20211403. In this application the drawing submitted to discharge the conditions showed a much larger area of hardstanding than that approved by the Inspector on appeal under ref. 20190929 including fencing around the north, east and southern boundaries. This larger area of hardstanding and fencing had also been carried out on site and remains as such now. The applicant was advised that he could not apply for a larger hardstanding area in an approval of details application and the extent of hardstanding area shown on the plans had to be as approved. The plans were thereafter revised to show the extent of hardstanding as approved and with the fencing removed.

The applicant in application ref. 20220586 applied for 'Creation of a parking area surfaced with porous tarmac and finished with resin bound gravel' which was essentially for retention of the larger hardstanding with fencing that had been carried out on site and remains now.

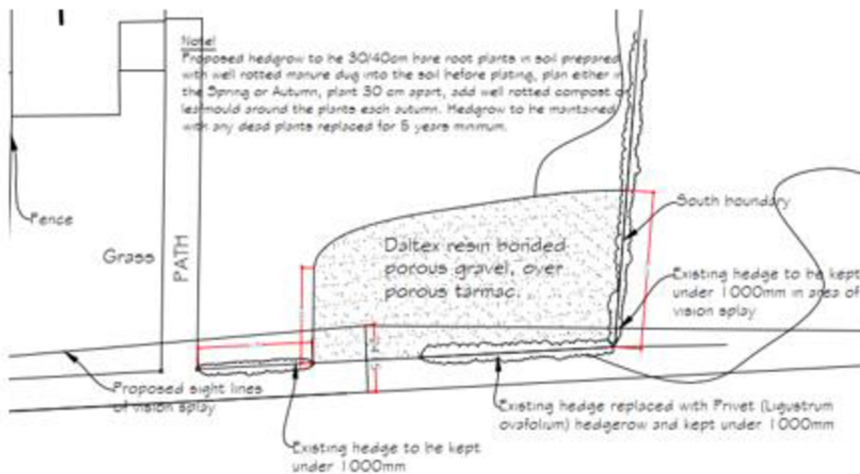
This was refused on the following ground:

*The proposal by virtue of the size of the hardstanding and the surrounding boundary fencing would diminish the open and verdant character of the site and be an unsympathetic, incongruous and visually intrusive feature which would not preserve, and would cause harm to, the character and appearance of the Thong Conservation Area. As such the proposal is contrary to Policies CS19 and CS20 of the Gravesham Local Plan Core Strategy (2014) and saved Policy TC3 of the Gravesham Local Plan First Review (1994).*

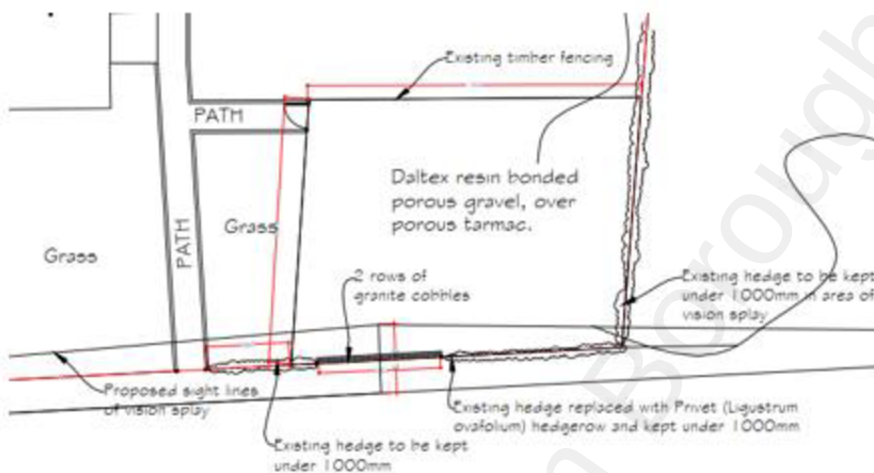
This current application is again for 'Creation of a parking area surfaced with porous tarmac and finished with resin bound gravel' but includes changes to what has been carried out on site and as previously proposed for retention in application ref. 20220526.

The below images show (i) the access and hardstanding as approved on appeal, (ii) what has been carried out on site and as proposed in previously refused application ref. 20220586 and (iii) what is proposed in this current application:

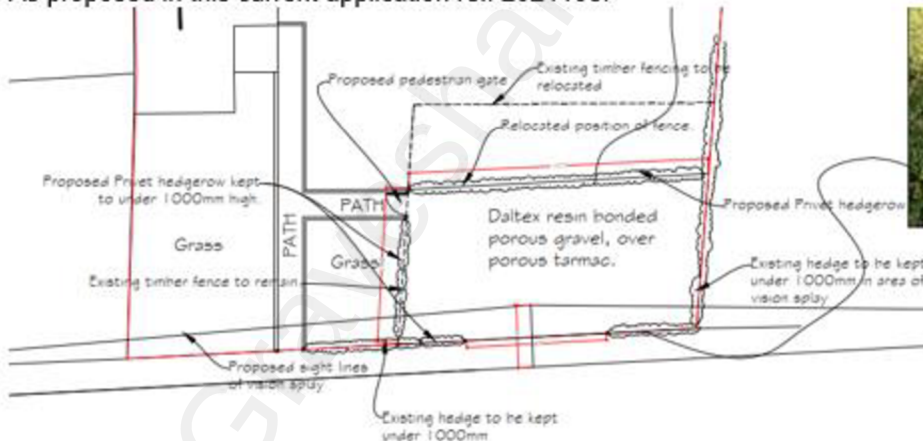
As approved on appeal under application ref. 20190929:



As currently carried out on site and as refused under ref. 20220586:



As proposed in this current application ref. 2021108:



The differences are:

The access to Thong Lane to be slightly wider (increased from 4250mm in width to 5400mm in width – an increase of 1150mm) and moved slightly to the south of the approved position in order that the drive is accessible for vehicles reversing in according to the Design and Access Statement. Hedgerow would be reinstated in the gap created from moving the access southwards;

Reduction in depth of the hardstanding area as carried out on site (9298mm to 5998mm depth). It would be

brought back to the same depth as the deepest part of the hardstanding approved on appeal but with the squaring off of the north-eastern corner as opposed to the curved corner as approved on appeal;

The fencing along the eastern boundary of the hardstanding would be brought forward to reflect the new reduced depth of the hardstanding and hedging proposed along this fencing and the fencing along the northern side of the hardstanding.

#### Design, Character and Appearance and Heritage

The existing unauthorised enlarged area of hardstanding would be reduced in size back to the depth as approved on appeal, albeit it would have a squared off north-eastern corner but overall the proposed area of hardstanding which would only be slightly larger than that granted on appeal would not be excessive. The fencing along the northern and eastern boundaries of the hardstanding and which is currently considered an incongruous addition would also be altered. No fencing was proposed in the application granted on appeal. The fencing that has been erected along the eastern boundary of the hardstanding would be brought forward in line with the proposed reduced depth hardstanding and would be covered with a proposed privet hedge with the previous area of hardstanding laid to grass. The fencing along the northern boundary of the hardstanding would remain in its current position but would also be covered with a privet hedge. This re-location and concealment of the fencing with hedgerow is considered an improvement and would mean the fencing would no longer appear as an incongruous feature. The approved access would be widened and moved slightly further south but the 1.1m increase in width is not considered overly excessive over what has already been granted on appeal, to warrant refusal and a privet hedge is proposed in the gap which would be created by moving the access further south. The materials appear to be the same as approved - Daltex resin bonded porous gravel over porous tarmac but limited information has been submitted. It is considered that notwithstanding the details shown on the submitted plans and documents, should permission be forthcoming conditions would be required concerning landscaping to ensure the exact landscaping to be installed and also surfacing to ensure exactly what area is to be surfaced and with what and to ensure that the element which is to be returned to grass is and that the development is carried out in a sufficient time given the current unauthorised works.

Overall it is considered that the proposed changes to the scheme granted on appeal are acceptable in respect of design and heritage matters. The open and verdant character of the site would still be retained and the character and appearance of the Thong Conservation Area would be preserved. It would rectify a current unacceptable situation in terms of the unauthorised works which have been carried out. In this regard the proposal would therefore be compliant with Policies CS19 and CS20 (LPCS) and saved Policy TC3 (LPFR) and as such the ground of refusal of previously refused application ref. 20220586 has been resolved.

#### Parking and Highway Safety

The Highways Officer raises no objections to the proposal subject to all the conditions imposed on application ref. 20190929 granted at appeal being attached as appropriate, with the additional requirement for vehicle visibility splays. The Highways Officer raises further issues regarding parking a van on the site etc. but the applicant has submitted their proposal and it is considered that as the hardstanding meets the minimum depth for a car as set out in SPG4 and that for design and heritage reasons, as small an area of hardstanding as possible is needed in order to ensure no harm is caused to the character and appearance of the Conservation Area; the proposal to reduce the hardstanding area as carried out on site would achieve this. The hardstanding would be 5998mm in depth which is sufficient for the parking of a car – SPG4 states that the minimum depth for a parking space for a car is 5m and the proposed hardstanding would therefore achieve this. Due to the width of the hardstanding (11.5m) vehicles could also be parked parallel to the road which would comfortably fit a van in. As such it is considered that subject to conditions regarding visibility splays etc. notwithstanding the details shown on the drawing, the proposal would be acceptable in respect of parking and highway safety and in this regard the proposal would be compliant with saved Policy P3 (LPFR).

#### Other Matters

### Whether inappropriate development in the Green Belt and openness

As noted by the Inspector in the appeal decision for ref. 20190929, the proposed development would replace access elsewhere on the site, serve an existing dwelling, be located at ground level and include an element of landscaping (hedgerow and surrounding garden beyond). The Inspector accordingly found that the proposal would not result in a more intensive form of development and would still maintain the character of openness that is prevalent within the site and its surroundings. It is therefore considered that the proposal would still not result in a more intensive form of development and would still maintain openness. In this respect the proposal is compliant with Policy CS02 (LPCS) and section 13 of the NPPF (2021).

### Landscape Character

The site is situated in the Shorne Woodland Landscape Character Area. Due to the nature of the proposals within an existing residential curtilage and that the proposal would be only slightly larger than that granted on appeal due to the squaring off of the corner and the fencing would be covered with hedgerow, it is considered the proposed development would have no harmful impact on wider landscape character and as such the proposal would be compliant with Policy CS12 (LPCS).

### Amenity of Occupiers

The property would still have a garden area which would exceed the minimum garden area and rear garden depth for a two bedroom property as set out in SPG2 and as such in respect of the amenity of occupiers the proposal is compliant with Policy CS19 (LPCS).

### Neighbouring Amenity

Due to the nature of the works in respect of their siting and scale there would be no impact on the amenity of any neighbouring properties and in respect of this the proposal is compliant with Policy CS19 (LPCS).

### Public Rights of Way

Due to the siting of the proposal it would have no impact on the public right of way to the south of the site.

### Any Other Material Planning Considerations

None.

### **Conclusion & Recommendation**

In comparison to what was granted on appeal in 2019, this current proposal is for a slightly larger hardstanding by squaring off the curved corner and an increased width to the access; it also proposes fencing. The proposal would alter the unauthorised development which has been carried out on site and which consists of a much larger area of outstanding than that granted on appeal and incongruous fencing. The reduction in depth of the hardstanding and the resultant new location of the eastern boundary fencing together with the privet hedgerow proposed for the northern and eastern fencing surrounding the hardstanding would result in a much more sympathetic development in respect of design, character and appearance and heritage matters and as such the ground of refusal of the previous application has been addressed. The proposed development is also considered acceptable in respect of parking and highway matters. Therefore, subject to conditions permission is recommended.

Recommendation: Permission

(For detailed conditions and informatives, see draft Decision)

|                      |                                          |                     |                      |
|----------------------|------------------------------------------|---------------------|----------------------|
| <b>Case Officer:</b> | Ms Rebecca Harrison                      | <b>Team Leader:</b> | Richard Hart         |
| <b>Signed:</b>       | Rebecca Harrison<br>[Redacted Signature] | <b>Signed:</b>      | [Redacted Signature] |
| <b>Dated:</b>        | 1 December 2022                          | <b>Dated:</b>       | 2 December 2022      |

Gravesham Borough Council