

**Application: 20211204**

**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 And Mrs Nawaz  
C/O Mr Mandeep Shoker, Kent Architectural Services  
213 Robin Hood Lane  
Blue Bell Hill  
Chatham  
Kent  
ME5 9QU**

**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:

**44 The Drive  
Gravesend  
Kent  
DA12 4BZ**

and being **Erection of a single storey rear extension and construction of dormer extensions in the front and rear roof slopes with conversion of existing loft space to habitable rooms.**

Your application dated 14th October 2021 is refused on the following grounds:-

1. The proposed extension, due to its size and design, represents an overdevelopment of the site which is out of character with the original dwelling in terms of scale and therefore contrary to Policy CS19 of the Gravesham Local Plan Core Strategy 2014 and para. 130 of the National Planning Policy Framework 2021.
2. The proposed extension will occupy the majority of the rear garden consequently providing inadequate amenity space for the future occupiers of the resultant four bedroom dwelling contrary to Policy CS19 of the Gravesham Local Plan Core Strategy 2014 and para. 130f of the National Planning Policy Framework 2021.

**INFORMATIVES:-**

**1 SUBMITTED DRAWINGS**

For the avoidance of doubt the submitted drawings are:

Application form received 29 September 2021.

Drawing no. DR-001-100 P1 (existing and proposed location plan) received 11 October 2021.

Drawing no. TD-001-510 rev P1 (existing elevations) received 11 October 2021.

Drawing no. TD-001-200 rev P2 (proposed floor plans) received 14 October 2021.

Drawing no. TD-001-210 rev P2 (proposed elevations) received 14 October 2021.

Drawing no. TD-001-500 rev P2 (existing floor plans) received 14 October 2021.

## 2 STATEMENT OF POSITIVE AND PROACTIVE APPROACH TO DECISION-TAKING

In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure)(England) Order 2015 and paragraph 38 of the National Planning Policy Framework, the Local Planning Authority has approached the assessment and determination of this application in a positive and proactive manner and, where appropriate, has worked with the applicant to secure a development that is sustainable and that improves the economic, social and environmental conditions of the area, and that is in accordance with the Development Plan for the area. In this instance, the application is contrary to local and national policy.

Dated: 23 November 2021

Civic Centre  
Windmill Street  
Gravesend  
Kent  
DA12 1AU

Wendy Lane MRTPI  
Assistant Director (Planning)  
Planning Service

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### 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.
- **Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.**
- 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.

### **COMPENSATION**

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.

These circumstances are set out in Sections 114 and related provisions of the Town and Country Planning Act 1990.