



Application: 20221024

**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 D. Partridge
C/O Mr Steve Baker, Steve Baker Architect
78 Pound Road
East Peckham
Tonbridge
Tonbridge, Kent
TN12 5BJ**

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:

**122 Marling Way
Gravesend
Kent
DA12 4RE**

and being **Erection of a new dwelling, the consequent external alterations and incidental minor internal ground floor alterations to the existing property, and associated external works and car parking provision.**

Your application dated 22nd September 2022 is refused on the following grounds:-

1. The proposed dwelling is inappropriate development on a corner plot which disrupts an established building line and develops a planned open area within the street scene which is a characteristic of the surrounding estate. Therefore the development is harmful to, and erodes the openness of the street scene, contrary to Policy CS19 (Development and Design Principles) of Gravesham's Local Plan Core Strategy (2014) and Section 12 of the National Planning Policy Framework (2021).
2. The development proposal represents overdevelopment of the site and fails to safeguard the amenity of occupiers by providing undersized, cramped and poor quality accommodation that future residents could expect to enjoy, and substantially and detrimentally reducing the garden area of the host dwelling. The new dwelling and alterations to the existing property fail to comply with recommendations in the Nationally Described Space Standards (2015) and Gravesham's Residential Layout Guidelines (2020), and is therefore contrary to Policy CS19 of Gravesham's Local Plan Core Strategy (2014) and Section 12 of the National Planning Policy Framework (2021).
3. the proposed driveway is undersized by virtue of the inward opening gates, represents a risk to pedestrian safety and increases the potential for vehicular collisions by providing substandard visibility splays and the cycle store is an inappropriate under provision located internally, under the stairs. Therefore, the proposal is contrary to Policies CS11 and CS19 (LPCS), saved policy P3 (LPFR), SPG 4: Gravesham's adopted parking standards SPG4 (2006), Department for Transport's Manual for Streets (2007), Kent County Council vehicle crossing guidance (2022), as well as Sections 9 and 12 (NPPF).

4. The proposal fails to safeguard biodiversity and fails to secure a contribution towards strategic mitigation measures within Special Protection Areas, and in the absence of this contribution or adequate information to inform an Appropriate Assessment. Therefore, the development fails to comply with the requirements of the Habitat Regulations, Section 15 (specifically paragraphs 180 and 181) of the National Planning Policy Framework (2021) and Policy CS12 of Gravesham's 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 - 20/09/2022

Covering Letter - dated 20/09/2022

Supplementary Information - Southern Water Letter (dated 14/07/2022)

Drawing no. 220920 - 1000 - Location Plan

Drawing no. 220920 - 1001 - Existing Site Block Plan

Drawing no. 220920 - 1001A - Existing Site Block Plan (Services)

Drawing no. 220920 - 1010 - Existing Ground Floor Plan

Drawing no. 220920 - 1011 - Existing First Floor Plan

Drawing no. 220920 - 1020 - Existing Section AA

Drawing no. 220920 - 1021 - Existing Section BB

Drawing no. 220920 - 1030 - Existing North Elevation

Drawing no. 220920 - 1031 - Existing South Elevation

Drawing no. 220920 - 1032 - Existing East Elevation

Drawing no. 220920 - 1033 - Existing West Elevation

Drawing no. 220920 - 1100 - Public Sewer Diversion

Drawing no. 220920 - 1101 - Proposed Site Block Plan

Drawing no. 220920 - 1101A - Proposed Site Block Plan (Services)

Drawing no. 220920 - 1110 - Proposed Ground Floor Plan

Drawing no. 220920 - 1111 - Proposed First Floor Plan

Drawing no. 220920 - 1120 - Proposed Section AA

Drawing no. 220920 - 1121 - Proposed Section BB

Drawing no. 220920 - 1130 - Proposed North Elevation

Drawing no. 220920 - 1131 - Proposed South Elevation

Drawing no. 220920 - 1132 - Proposed East Elevation

Drawing no. 220920 - 1133 - Proposed West Elevation

2 STATEMENT OF POSITIVE AND PROACTIVE

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) 2021, 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: 17 November 2022

Civic Centre
Windmill Street
Gravesend
Kent
DA12 1AU

Wendy Lane MRTPI
Assistant Director (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.
- **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.