

Application: 20211037

**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: **RDS Property Services Ltd
C/O Mr Sean Payne, Sean Payne Arch Design
Kemp House
152-160 City Road
London
EC1V 2NX**

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:

**55 Rochester Road
Gravesend
Kent**

and being **relocation of 5no. car parking spaces and proposal of 2no. single storey dwellings and 3no. additional car parking spaces with ancillary works.**

Your application dated 24th August 2021 is refused on the following grounds:-

1. The proposals are considered to constitute an overdevelopment of the rear garden which would result in a comparatively cramped form of backland development and would be incongruous considering the existing pattern of development and the character of the residential gardens which comprise the area. It is therefore harmful to the character and appearance of the site and the wider locality and would contravene Policies CS14, CS15 and CS19 of the Gravesham Local Plan Core Strategy September 2014 which ensure new development will integrate well with the surrounding local area. At a national level the proposed development would also contravene paragraph 71 of the National Planning Policy Framework (2021) which states 'Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area'.
2. The proposal would result in a detrimental impact on the amenities of the occupiers of the flats at No. 55 in terms of loss of private and shared amenity space, contrary to Policy CS19 of the Gravesham Local Plan Core Strategy September 2014 and para. 130f of the National Planning Policy Framework 2021.
3. The proposal would fail to provide adequate private amenity space and would result in a detrimental impact on the amenities of future occupiers of the dwellings, contrary to Policy CS19 of the Gravesham Local Plan Core Strategy September 2014 and para. 130f of the National Planning Policy Framework 2021.
4. The proposal 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, the development fails to comply with the requirements of the Habitat Regulations and Section 14 (specifically paragraphs 180 and

INFORMATIVES:-

1 DRAWINGS AND DOCUMENTS

For the avoidance of doubt, the decision to refuse this application was taken in relation to the following forms, plans and documents comprising the application:

Planning Application Form;
Design and Access Statement;
Drawing No. 016-P-001 Rev G - Site Location Plan;
Drawing No. 016-P-002 Rev G - Existing Block Plan;
Drawing No. 016-P-010 Rev G - Existing Ground Floor Plan;
Drawing No. 016-P-011 Rev G - Existing First Floor Plan;
Drawing No. 016-P-013 Rev G - Existing Roof Plan;
Drawing No. 016-P-020 Rev G - Existing West Elevation;
Drawing No. 016-P-021 Rev G - Existing North Elevation;
Drawing No. 016-P-022 Rev G - Existing South Elevation;
Drawing No. 016-P-023 Rev G - Existing East Elevation;
Drawing No. 016-P-100 Rev G - Proposed Block Plan;
Drawing No. 016-P-110 Rev G - Proposed Ground Floor Plan;
Drawing No. 016-P-111 Rev G - Proposed First Floor Plan;
Drawing No. 016-P-113 Rev G - Proposed Roof Plan;
Drawing No. 016-P-114 Rev G - Proposed Front Car Parking;
Drawing No. 016-P-115 Rev G - Proposed Front Car Parking Access;
Drawing No. 016-P-120 Rev G - Proposed West Elevation;
Drawing No. 016-P-121 Rev G - Proposed North Elevation;
Drawing No. 016-P-122 Rev G - Proposed South Elevation;
Drawing No. 016-P-123 Rev G - Proposed East Elevation;
Drawing No. 016-P-140 Rev G - Proposed Planting Plan;
Drawing No. 016-P-141 Rev G - Proposed Lighting Plan; and
Grasscrete Brochure.

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) 2021, the Local Planning Authority has approached the assessment and determination of this application in a positive and creative way and, where appropriate, has worked pro-actively 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 planning policy and the planning objections could not be overcome by amendments to the scheme or through the imposition of acceptable and appropriate planning conditions.

Dated: 28 October 2021

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.

## **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.

Gravesham Borough Council