

Delegated Report

Planning Application

Planning Application No: 20240534

Location: 37 Old Road West, Gravesend DA11 0LH

Description: Formation of vehicular access and provision of one off-street parking space in front garden with associated hard standing.

Applicant: Mr Andrew Pitches

Submitted Documents/Plans

Application form
Planning Statement
Drawing no. 01 (site location and existing block plan)
Drawing no. 02 (existing plans)
Drawing no. 03 (proposed block plan)
Drawing no. 04A (proposed plans)

Relevant Planning History

20020877	Erection of a semi-detached two storey dwelling with rooms in the roof space, a detached double garage at the rear for the existing and proposed dwellings and repositioning of vehicular access onto a classified road.	Permitted	15.04.2003
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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

Gravesham Local Plan: First Review (1994)

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

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 4 – Decision-making
- Section 9 – Promoting sustainable transport
- Section 12 – Achieving well-designed and beautiful places
- Section 15 – Conserving and enhancing the natural environment

Supplementary Planning Guidance

- SPG2 - 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)

Consultations, Publicity and Representations

Consultees

KCC Highway Officer

Thank you for your consultation in relation to the above planning application. I have the following comments to make with respect to highway matters :-

The application proposes the formation of a vehicular access, with an off street parking space.

Pedestrian visibility splays are required at the proposed access, they should measure 2m x 2m behind the footway on both sides, with no obstructions over 0.6m above footway level and should be demonstrated on a revised plan.

The new access will require a bound surface for the first 5m from the edge of the highway and the provision of measures to prevent the discharge of surface water onto the highway.

Please note that all street lamp columns and utility plant needs to be situated at least 1.5m from the location of the top of the ramped kerb of the proposed crossover. Any street furniture, lamp columns and utility plant within 1.5m must be relocated at the expense of the applicant.

I look forward to further information being submitted to assist me in determining this application from a highway perspective.

KCC Archaeology

The site lies within an area of multi-period archaeological potential. However, based on existing Historic Environment Record data for the area and the relatively limited extent of the proposed works, I consider it unlikely that these proposals would have a significant below-ground archaeological impact and have no further comments to make in this case.

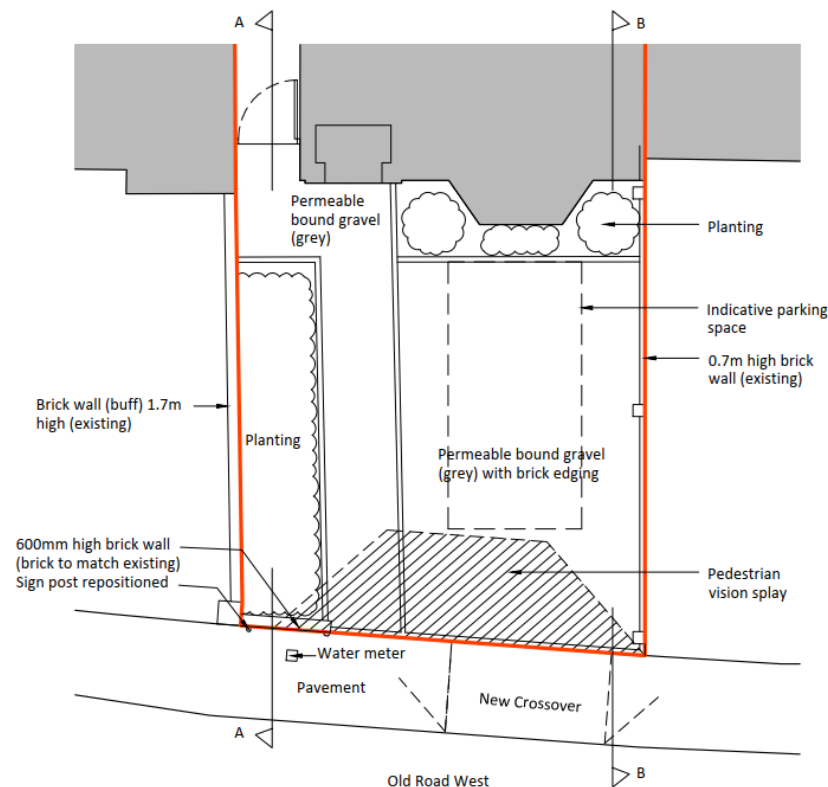
Neighbouring properties

The application has been advertised by individual letters to four neighbouring properties. No letters of representation have been received. The overall consultation period expired on 16 July 2024.

Officer's Analysis

Proposal

This application seeks planning permission for the formation of vehicular access and provision of one off-street parking space in front garden with associated hard standing. A revised plan has been submitted showing a pedestrian vision splay:



Design, Character and Appearance

Section 12 of the NPPF 2023 relates to achieving well-designed places and sets out the Government's requirements in relation to design issues. Paragraph 131 emphasises the importance of achieving high quality, beautiful and sustainable buildings and places. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 135 of the NPPF 2023 seeks to ensure that development will add to the quality of an area, be visually attractive, and sympathetic to local character and history. Policy CS19 of the Core Strategy 2014 reflects these aims and requires that new development is well designed and respects the character and appearance of the surrounding area.

The application site is a two storey semi detached dwelling located along a main road. The front garden is currently laid to shingle with some planting, but traditional in character with a central path to the entrance door. There is a low boundary wall to the front and western side and a taller wall to the eastern side. There are a number of neighbouring properties with off road parking to the front which vary in size and appearance. It is important to note that the application property, no. 37 Old Road West has parking to the rear which is shared with the attached neighbour, and includes a space and a garage.

The proposed plans show a parking area with a planter to one side and under the bay window. The front wall will be retained to one side. There are many front driveways in close proximity that do not have any soft landscaping and these serve to demonstrate how harmful this can be on the character and appearance of the area. The proposed soft landscaping at this site will increase compared to the current situation of shingle and hard paving with minimal planting and this will complement the street scene. The loss of the front wall is regrettable however part of it will remain and will serve to demark where the footpath meets the site boundary.

Amenity

Future Occupiers

The proposed development will have no detrimental impact on the amenities of the future occupiers of the dwelling.

Neighbouring Amenity

Due to the nature of the development no additional volume is being applied for and therefore there will be no loss of outlook, privacy, sunlight or daylight from the proposed development.

Ecology and Biodiversity

As this is a householder development the proposal is exempt from Biodiversity Net Gain. Nevertheless the local plan states in policy CS12 that there will be no net loss of biodiversity in the Borough and that opportunities to enhance, restore, re-create and maintain habitats will be sought. The front garden is currently laid to shingle with a path and some planting adjacent to the front wall:



The applicant is now proposing planting to the side of the drive and in front of the bay window. This is sufficient to satisfy this policy and no objection is raised in this regard.

Parking and Highways

Old Road West is a 'B' Classified Road and so careful consideration is required regarding any new carriage crossover and driveway.

The Householder Extensions/Alterations Design Guide SPD comprises the policy guidance for new driveways, including car parking space and visibility splay requirements.

The properties immediately adjacent to 37 Old Road West have carriage crossovers and driveways for one or two cars.

According to the latest data available, there have been two accidents in the immediate area in the 5 year period 2018 to 2022. (Once the 2023 data becomes available, the period will change to 2019 to 2023).

There was a serious injury accident on the 8th June 2021 near the Woodfield Avenue junction and a light injury accident on the 10th January 2018.

The applicant should demonstrate by a suitable drawing that 43m x 2.4m x 43m sight lines can be achieved. The 2.4 metres is measured back along the centre line of the driveway from the kerb face, whilst the 43metres is measured along the nearside kerb face from the intersection between the kerb and the centre line of the drive (43metres in both directions). The applicant has advised that 43m x 2.4m x 43m vision splays are not achievable at the site, which is clear from visiting the site, however they state that these requirements are for 'major and minor arms' and not for driveways. They have attached an appeal decision from Dartford Borough Council (appendix 1) to demonstrate this point. However, this site differs considerably from the application site in that the road (Cotton Road, Stone) is a 'C' classification and the access already existed. In addition to this the site plan shows a turning area to ensure cars can leave in a forward gear, which is not the case for this application site. The Inspector notes that having a turning area reduces the potential for less safe reversing manoeuvres.

The applicant also makes reference to a similar application at 20 Old Road West (20240358). This has subsequently been refused for three reasons, one of which relates to highway safety:

The constructed side boundary/retaining walls on the eastern side and on the northern side up to the property boundary with the footpath have removed all sight lines when exiting the driveway, obscuring views of both the footpath and highway. With no adequate vision splays, the development has resulted in a highway safety impact. The development is detrimental to highway safety and is therefore contrary to CS11 and CS19 of the Gravesham Local Plan Core Strategy 2014, Policy T5 Local Plan First Review (1994) and section 10.21 of the Householder Extensions/Alterations Design Guide (2021).

A similar application was refused in 2016 at no. 25 (20160990) for the following highway safety reason:

The proposed vehicle access and hard standing would be unsafe in terms of its impact upon the highway. The proposed development would not provide sufficient space for vehicles to enter or leave the site in a forward gear, leading to vehicles reversing onto the busy B261, which would be detrimental to highway safety. Therefore, the proposed development would be contrary to Policy CS11 of the Gravesham Local Plan Core Strategy September 2014, Policy T5 of the Gravesham Local Plan First Review November 1994 and to the guidance set out in the Vehicle Accesses on Classified Highways Planning Guidance Note 6 February 2009.

A more recent and local appeal was refused in February 2024 (70 London Road – APP/K2230/D/23/3329520 appendix 2) for a driveway onto a class B road and therefore has more relevance to this application than that cited from Dartford. The only difference being that the visibility was restricted by cars parked in the layby. The issues relating to stopping and reversing onto a classified 'C' road are the same.

The Inspector states:

4. The proposal is to create an off-street parking area at the front of the dwelling and to construct a driveway access across the pedestrian footpath. There is a layby to the front of the site that provides on-street parking. The plan that supports the proposal does not illustrate that vehicles would be able to turn within the parking area. As such, a vehicle leaving the site would be required to reverse across the pedestrian footpath and the layby, which appears from my visit to be well used, or alternatively undertake this manoeuvre in reverse.

5. London Road is a 'B' classified highway. Vehicle Accesses on Classified Highways Planning Guidance Note 6 February 2009 advises that on site turning should be provided to enable vehicles to enter the highway in forward gear. However, I note that this guidance was only given limited weight by an Inspector in 2016 when considering a similar appeal at a neighbouring site (Appeal Ref: APP/K2230/D/16/3158920). Nonetheless, the Inspector had regard to the guidance when concluding that that proposal would have a material harmful effect on highway safety.

6. London Road is a busy arterial road. The proposal would require vehicles to either reverse onto the highway or stop on the carriageway to reverse into the driveway. Parked vehicles within the layby would restrict visibility rendering reversing manoeuvres even more hazardous, particularly when leaving the site. As such, there would be an increased risk of accidents to pedestrians and increased danger to road users. This would be so even if the proposal serves only a single dwelling with the vehicle movements associated with the driveway being low and relatively slow.

7. For these reasons, I conclude that the proposed development would be harmful to highway safety. The proposal would, therefore conflict with Policy T5 of the Gravesham Local Plan First Review November 1994 and the Vehicle Accesses on Classified Highways Planning Guidance Note 6 February 2009. This policy and guidance, amongst other matters, resists the formation of new accesses, except where no danger would arise, which is not the case here.

This planning application bears more resemblance to the above appeal at 70 London Road than it does to the Dartford appeal. It is however acknowledged that Planning Guidance Note 6 as referenced above, is no longer in use. Nonetheless, the proposed development still raises concerns regarding highway safety through lack of space to turn a vehicle, meaning it will have to reverse in or out with insufficient visibility splays onto a busy classified highway. As such the proposal fails to comply with policies CS11 and CS19 of the Gravesham Local Plan Core Strategy 2014, Policy T5 Local Plan First Review (1994) and section 10.21 of the Householder Extensions/Alterations Design Guide (2021).

Conclusion

The proposed driveway does not provide adequate visibility splays when exiting the driveway, particularly to the east. In addition to this, it is not possible to turn a vehicle on site, and therefore a vehicle must either reverse into the parking space or reverse onto the main road which both raise highways safety issues. Without onsite turning and sufficient visibility splays, the development is detrimental to highway safety and is therefore contrary to CS11 and CS19 of the Gravesham Local Plan Core Strategy 2014, Policy T5 Local Plan First Review (1994) and section 10.21 of the Householder Extensions/Alterations Design Guide (2021).

Recommendation:

Refuse

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

Case Officer:	Mrs Alison Webster	Team Leader:	Miss Faye Hobbs
Signed:		Signed:	
Dated:	12 August 2024	Dated:	13 August 2024