

Delegated Report

Householder Planning Application

Planning Application No: 20240639

Location: 6 Springhead Road Northfleet Gravesend Kent

Description: Creation of driveway to provide space for 2 car parking spaces.

Applicant: Mr Elidon Voka

Site Visit Date: Desktop Assessment

Submitted Documents/Plans

Application Form Dated 12/07/2024;
Drawing Number 001 (OS Plan and Block Plan – Existing and Proposed);
Drawing Number 002 (Front Layout Plan – Existing);
Drawing Number 003 (Floor Plans – Proposed);
Drawing Number 004 (Front Elevation – Existing and Proposed) and
Drawing Number 005 (Visibility Splays).

Relevant Planning History

No Relevant History

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS12 – Green Infrastructure
- CS18 – Climate Change
- CS19 – Development & Design Principles

Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards

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 12 – Achieving well-designed and beautiful places

Supplementary Planning Guidance

- 2 - Residential layout guidelines including Housing Standards Policy Statement October 2015 Adopted 1996 – amended June 2020;
- Technical Housing Standards – nationally described space standard (2015);
- SPG 4 - KCC Parking Standards (2006);
- Householder Extensions/Alterations Design Guide (2021); and

Other Relevant Guidance

- Kent County Council Vehicle Crossing: - Guidance and Self-Assessment (2018)
- Driveway Dropped Kerb Guidance
- Front Driveway Guidance

Consultations, Publicity and Representations

Consultees

Ward Councillors – No Comments Received

Neighbouring properties

7 surrounding properties were consulted and no responses were received. The consultation period ended on 22nd August 2024.

Officer's Analysis

Design, Character and Appearance

The application site is two storey detached dwelling located on the western side of Springhead Road, which is a classified Road. The property has an original front retaining wall with borders and a laid to lawn area. It is surrounded by neighbouring properties with a similar frontage which sit higher from the road and footpath and benefit from dwarf walls and raised garden areas.

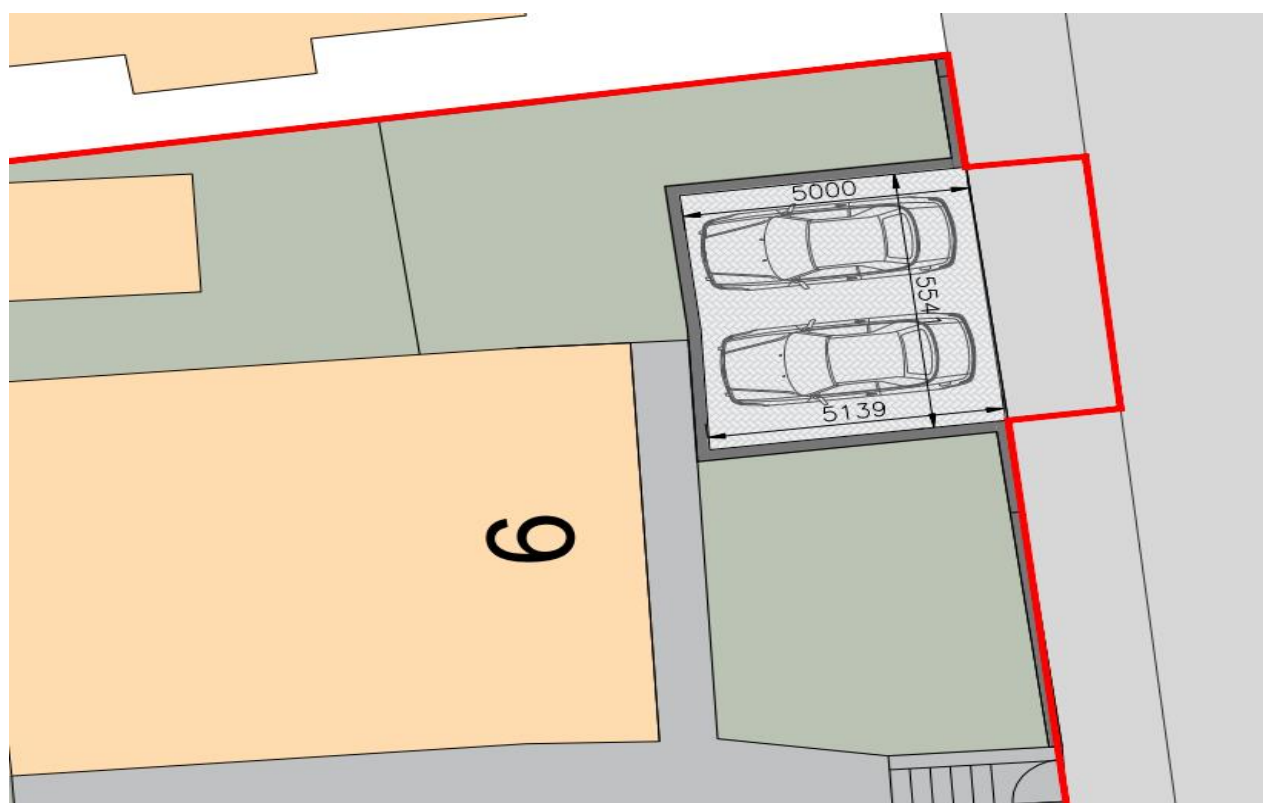
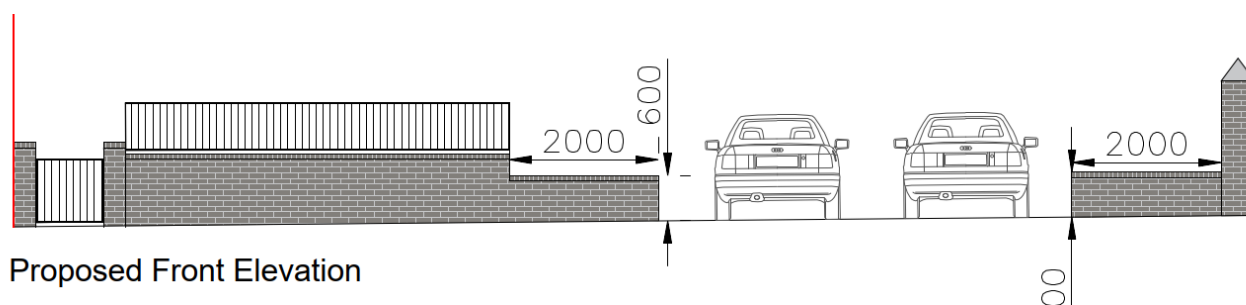
Any works to create a driveway would require planning permission.



The application is to seek planning permission for the demolition of part of the front wall with a hardstanding area to provide off road parking for 2 vehicles.

The proposed hardstanding measures 5.54m wide with a depth ranging from 5m to 5.15m. It will be flanked by the existing front boundary wall which will measure at a height of 0.6m either side.

The proposal would remove a large part of the front boundary wall measuring approx. 5.5m and an area of the existing soft landscaping with resultant land level changes:



It is considered that the loss of the feature wall and part of the attractive laid to lawn garden has resulted in a detrimental impact on the visual amenity and hardening of the streetscene. This section of

Springhead Road on the western side comprises of houses with frontages and boundary walls of a similar design, many of which have retained the same low level feature wall and soft landscaping:

Google Earth Image



The development at No. 6 Springhead Road would remove these original features which contribute positively to the character of the host property and the area as a whole:

As such, it is considered that the introduction of hardstanding and subsequent alterations of the land levels has introduced a harsh urban development in place of soft landscaping, together with the loss of the feature wall, which contribute positively to the locality, is detrimental to the visual amenity of the street scene and character of the host dwelling and surrounding character of the area. The development is therefore contrary to Policy CS19 (Development and Design Principles) of the Gravesham Local Plan Core Strategy (2014), Section 12 of the National Planning Policy Framework (NPPF) (2023) achieving well-designed and beautiful places and section 10.21 of the Householder Extensions/Alterations Design Guide (2021)

Amenity of Future Occupiers

The proposal would not result in any harm to the amenity of future occupiers of the property. As such in respect of amenity of future occupiers the proposal is considered to comply with SPG2 and Policy CS19 of the Local Plan Core Strategy 2014.

Neighbouring Amenity

The proposal would not result in any harm to the amenity of occupiers of surrounding properties. There would be no loss of sunlight, overlooking, overbearing or loss of outlook as a result of the proposal. As such in respect of amenity of occupiers of neighbouring properties.

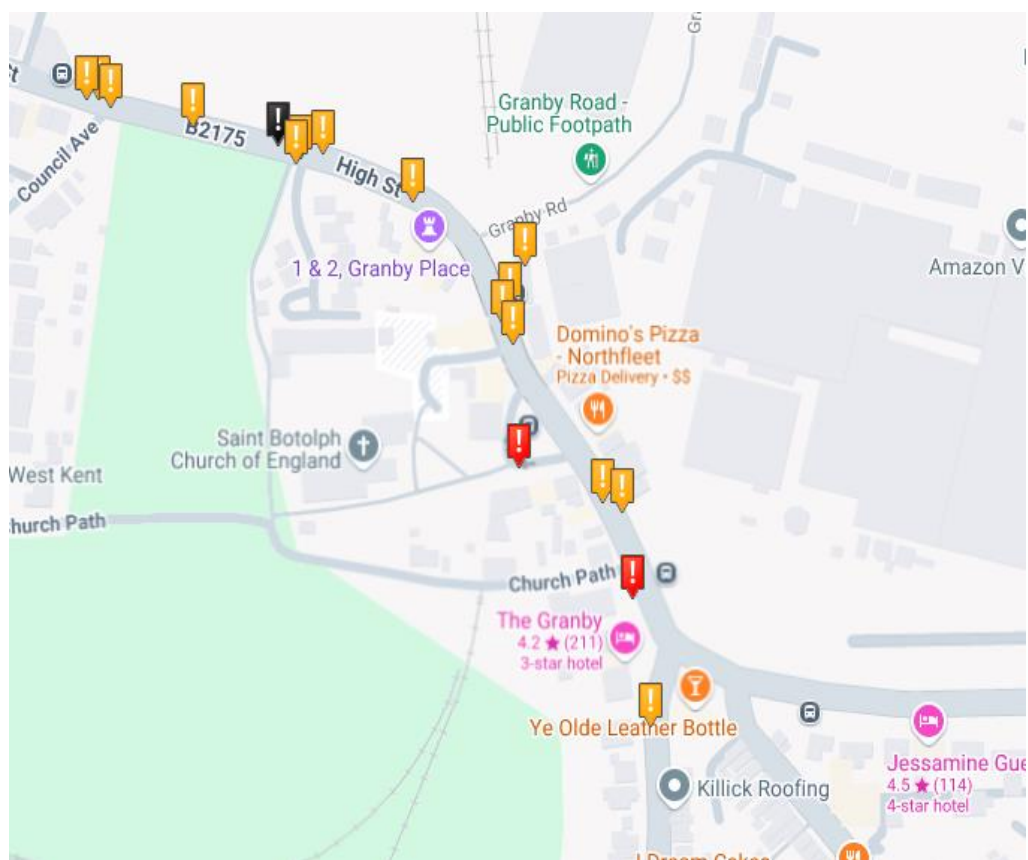
Any Other Material Planning Considerations

Parking and Highways

In a similar case for a proposed cross over at 20 Spring Grove (reference 20231280) which is opposite the application site, the planning authorities refusal was contested at appeal and upheld by the planning inspector. The inspector stated:

9. The meandering nature of road from the other direction, and various constraints such as parked cars and the narrow carriageway, appear to moderate vehicle speeds. Furthermore, I have not been provided with any accident data to support the issues raised or to suggest that there are public safety matters locally.

As part of this report the Local Planning authority has included the below crash map data which shows the high volume of road traffic collisions. The crash map data also shows a collision in very close proximity to the application site, which further highlights the impact of a cross over on highway safety.



The application raises concerns with the close proximity to the junction with 'The Hill' and the impact on vehicular visibility. Given the busy nature of Springhead Road and the surrounding roads, this would pose a significant highway hazard and will increase turning movements on and off of a highway which can be exceptionally busy during peak times.

The applicants' personal circumstances have played a considerable part in determining this application and any forthcoming decision has not been taken lightly. The Local Planning Authority must carefully balance personal needs against highway hazards, and it is felt that the risk of introducing a vehicle cross over takes precedence in this instance, due to the increased risk to highway users. Therefore, it is considered that the proposal cannot be supported on highway grounds and is contrary to the Local Planning Authorities adopted standards.

As such, the proposed hardstanding and crossover 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 - KCC Parking Standards (2006).

Equalities Considerations

The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

In summary, the Council must, in the exercise of its function, have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- advance equality of opportunity between people who share a protected characteristic and those who do not;
- foster good relations between people who share a protected characteristic and persons who do not share it.

The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the decision maker, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.

The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value

The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:

- The essential guide to the public sector equality duty
- Meeting the equality duty in policy and decision-making
- Engagement and the equality duty
- Equality objectives and the equality duty
- Equality information and the equality duty

The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice.

The proposed provision of a hardstanding driveway would not outweigh the highway danger limited visibility splays for the driveway.

Human Rights Implications

In determining this application, the Council is required to have regard to the provisions of the Human Rights Act 1998. Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant including:

- Article 8: Respect for your private and family life, home and correspondence
- Protocol 1, Article 1: Right to peaceful enjoyment of your property

In determining the application, the Council needs to satisfy itself that the potential adverse amenity impacts are acceptable and that any potential interference with the above Convention Rights are legitimate and justified. Both public and private interests are to be considered in the exercise of the Local Planning Authority's powers and duties. Any interference with a Convention right must be necessary and proportionate. The Council must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

In making the recommendation on this application, consideration has been given to the requirements of the Human Rights Act. Where it is engaged, any interference in those rights is considered proportionate, lawful and in the public interest to secure the proper planning of the area in accordance with adopted policy, having regard to any other material considerations.

Biodiversity

Impact on biodiversity

The development results in a loss of soft landscaping and biodiversity opportunity and could therefore be considered contrary to the NPPF (2023) Section 15. As indicated on the plans, the application retains a sufficient amount of soft landscaping and planting and therefore the development is considered acceptable.

Conclusion

It is considered that the introduction of hardstanding and subsequent alterations of the land levels has introduced a harsh urban development in place of soft landscaping, together with the loss of the feature wall, which contribute positively to the locality, is detrimental to the visual amenity of the street scene and character of the host dwelling and surrounding character of the area. The development is therefore contrary to Policy CS19 (Development and Design Principles) of the Gravesham Local Plan Core Strategy (2014), Section 12 of the National Planning Policy Framework (NPPF) (2023) achieving well-designed and beautiful places and section 10.21 of the Householder Extensions/Alterations Design Guide (2021)

By way of the significant hazardous impact on Highway safety, the proposed hardstanding and crossover is considered to be 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 - KCC Parking Standards (2006).

Consideration has been given to the applicant's personal circumstances and balanced against the impacts on highway safety, furthermore consideration has been given to alternative options and such an option has been identified to the rear of the application site. It is considered that the impact on highway safety outweighs the applicants personal circumstances and so the application is recommended for refusal.

Recommendation

Refusal

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

Case Officer:	Mrs Nina Goodbody	Team Leader:	Richard Hart
Signed:	<i>N Goodbody</i>	Signed:	<i>R Hart</i>
Dated:	24th September 2024	Dated:	25th September