

Application: 20231093

**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
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To: **Mr Avtar Kaushal
C/O Civils Consulting Ltd
35c Northbrook Road
Ilford
London
IG1 3BP**

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:

**23 St Johns Road
Gravesend
Kent
DA12 2SB**

and being **Erection of a first floor rear extension to include a new flank window to existing bedroom**. Your application dated 30th October 2023 is refused on the following grounds:-

1. By virtue of the proposed flat roof, the first floor rear extension is not considered to be sympathetic to the original roof of the host dwelling and therefore, the application is considered to be contrary to Gravesham's Design Guidance SPD (2021), Policy CS19 (Development and Design Principles) of Gravesham's Local Plan Core Strategy (LPCS) (2014) and Section 12 (Achieving well-designed places) of the National Planning Policy Framework (NPPF) (2023).
2. By virtue of the substandard distance from the proposed habitable window to neighbouring habitable window and private garden area, the development is considered to have a detrimental impact on the amenity of neighbouring properties and is therefore contrary to Policy CS19 (LPCS) and Section 12 of the NPPF (2023).

INFORMATIVES:-

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

Application Form Dated 23/10/2023;
Drawing Number D01 A (Ground Floor Plan as Proposed);
Drawing Number D03 Rev A (First Floor Plan as Proposed);
Drawing Number D11A (Block Plan as Proposed);
Drawing Number D12 (Site Location Plan);
Drawing Number D11 (Block Plan as Existing);
Drawing Number D02 (First Floor as Existing);
Drawing Number D04 (Roof Plan as Existing);
Drawing Number D06 (Elevations Front and Rear as Existing);
Drawing Number D07 (Elevations Sides A and B as Existing);

Drawing Number D05 (Roof Plan as Proposed);
Drawing Number D10 (Section AA as Proposed);
Drawing Number D08 (Elevations Front and Rear as Proposed); and
Drawing Number D09 (Elevations Sides A and B as Proposed).

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) 2023, 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.

Dated: 6 December 2023

Civic Centre
Windmill Street
Gravesend
Kent
DA12 1AU

Shazad Ghani
MPhil, MA, BA (Hons)
Head of 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.
- **For further information regarding Appeals and to make an application please click the relevant link:**
<https://www.gov.uk/appeal-householder-planning-decision>
<https://www.gov.uk/appeal-planning-decision>
- 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.