

Application: 20250109

**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: **Mrs Joyce Ayeh
C/O Mr Neil Boughey, Acorn Planning Ltd
Firdous
16 Station Rd
Hibaldstow
DN20 9EB**

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:

**Kings Pharmacy
22A Kitchener Avenue
Gravesend
Kent
DA12 5HY**

and being **Erection of 2 no. 2 bedroom semi-detached dwellings.**

Your application dated 28th February 2025 is refused on the following grounds:-

1. The proposed dwellings, due to their design and appearance, would appear visually incongruous in this location. They would fail to conserve and enhance the character of the local built environment contrary to Section 12 of the National Planning Policy Framework (2024), Policy CS19 of the Gravesham Local Plan Core Strategy (2014) and Design for Gravesham (2024).
2. The proposed development would result in a mutual loss of privacy between the proposed and existing residential units due to window-to-window overlooking and overlooking of private amenity areas contrary to the National Planning Policy Framework (2024), Policy CS19 of the Core Strategy 2014 and the Council's Residential layout guidelines including Housing Standards Policy Statement (October 2015, adopted February 1996 - amended June 2020).
3. The proposed development would fail to meet the required minimum gross internal floor areas set out in the Technical Housing Standards - nationally described space standard (2015). As such it would fail to provide a satisfactory level of amenity for future residents contrary to the National Planning Policy Framework 2024 and Policy CS19 of the Gravesham Local Plan Core Strategy (2014).
4. The applicant has failed to provide any ecological evidence to inform a habitat regulations assessment to address the impact of the proposed development on the Thames Estuary and Marshes Ramsar site and Special Protection Area (SPA) or offered a financial contribution towards the identified mitigation measures to address the impact

of the development on the SPA/Ramsar site. The proposal is therefore contrary to the requirements of the Habitat Regulations, Section 15 of the National Planning Policy Framework (2024) and Policy CS12 of the Gravesham Local Plan Core Strategy (2014).

5. The application has not been accompanied by the minimum information set out in Article 7 of The Town and Country Planning (Development Management Procedure) (England) Order 2015. In the absence of this information, the Council is not satisfied that the proposal would meet existing statutory requirements relating to Biodiversity Net Gain as well as the tests set out in the National Planning Policy Framework (2024) and Policy CS12 of the Gravesham Local Plan Core Strategy (2014).

INFORMATIVES:-

1 STATEMENT OF POSITIVE AND PROACTIVE APPROACH TO DECISION-TAKING

In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure)(England) Order 2015 and paragraph 39 of the National Planning Policy Framework, the Local Planning Authority has approached the assessment and determination of this application in a positive and proactive manner and, where appropriate, has worked 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 policy.

2 DECISION PLANS

For the avoidance of doubt, the forms, plans and documents upon which this decision is made comprise:

- o Planning application forms.
- o Planning Report (Acorn Planning).
- o Appeal decision W/4001327 (20 Kitchener Avenue, Gravesend, DA12 5HY).
- o Drawing no. A100 - Site Location Plan and Block Plan - Existing and Proposed.
- o Drawing no. A102 - Ground Floor and Roof Plan - Existing.
- o Drawing no. A103 - Elevations - Existing.
- o Drawing no. A104 - Floor Plans and Roof Plan - Proposed.
- o Drawing no. A105 - Street Scene and Section - Existing and Proposed.
- o Drawing no. A106 - 3D Views.
- o Drawing no. A107 - Elevations - Proposed.

Dated: 16 April 2025

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.