



Application: 20240317

**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 Abdul Ahad
C/O Mr Moni Rahman, OMNI Architecture
699 High Road Leyton
Leyton
LONDON
E10 6RA**

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:

**77A Windsor Road
Gravesend
Kent
DA12 5BW**

and being **Conversion of garage to residential dwelling.**

Your application dated 5th April 2024 is refused on the following grounds:-

1. The proposed dwelling will sit on an obviously smaller plot than its surrounding counterparts and would result in a cramped form development of the site that is out of keeping with the character and appearance of the layout of the properties in the immediate area. On this basis, the proposal is considered to be contrary to the requirements of Policies CS15 and CS19 of the Gravesham Local Plan Core Strategy (2014), and paragraphs 123, 128, 131 and 135 of the National Planning Policy Framework (2023).
2. The proposal is cramped onto the site and fails to provide acceptable amenity for future occupiers by virtue of substandard living accommodation as well as direct and perceived overlooking into habitable rooms and the garden area. Therefore, by virtue of a lack of privacy the development fails to safeguard the amenity of future occupiers and is contrary to Policy CS19 of the Gravesham Local Plan Core Strategy (2014) and Section 12 of the National Planning Policy Framework (2023).
3. The development fails to safeguard biodiversity or mitigate harm caused to the Special Protection Areas. Therefore, the development fails to comply with the requirements of the Habitat Regulations and fails to offset biodiversity loss contrary to Section 15 (specifically paragraphs 185 and 186) of the National Planning Policy Framework (2023) and Policy CS12 of the Gravesham Local Plan Core Strategy (2014).

INFORMATIVES:-

1 DRAWINGS AND DOCUMENTS

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

Application Form - dated 03 April 2024;
Design and Access Statement - dated November 2023;
Supplementary Information - Arboricultural Impact Assessment (ref. CAS/2021/120) by Cantia Arboricultural Services - dated October 2022;
Supplementary Information - Site Photographs (1-5);
Supplementary Information - 3D Visualisations (1-4);
Supplementary Information - Pre-Application Report;
Drawing no. 9108-001 - Existing Site Location and Block Plans;
Drawing no. 9108-002 - Proposed Site Location and Block Plans;
Drawing no. 9108-004 - Proposed Site Plan;
Drawing no. 9108-100 - Existing Site Plan;
Drawing no. 9108-101 - Existing Floor Plans;
Drawing no. 9108-110 - Existing Elevations and Sections (Front and Side);
Drawing no. 9108-120 - Existing Site Elevations 1;
Drawing no. 9108-121 - Existing Site Elevations 2;
Drawing no. 9108-200 - Proposed Site Plan;
Drawing no. 9108-201 - Proposed Site, Floor and Roof Plans;
Drawing no. 9108-210 - Proposed Elevations and Sections;
Drawing no. 9108-220 - Proposed Site Elevations 1;
Drawing no. 9108-221 - Proposed Site Elevations 2.

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 manner. In this instance the application is not in accordance with the Development Plan for the area and cannot be supported.

Dated: 6 June 2024

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.