



REFULZ

Application: 20220379

**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 Matthews
C/O Mr Nicholas Appleby, Appleby Architects
Elsewhere
Crowborough
TN6 3HF**

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:

**49 Gouge Avenue
Northfleet
Gravesend
Kent
DA11 8DP**

and being **Demolition of an existing single-storey garage outbuilding and the construction of a replacement single-storey two-bedroom dwelling. The redefinition of the existing application site boundary into two separate titles for both the existing property at 49 Gouge Avenue and the proposed new property to be accessed off Coulton Avenue.**

Your application dated 6th April 2022 is refused on the following grounds:-

1. The proposed dwelling in the rear garden of 49 Gouge Avenue by virtue of its location, siting, bulk and massing would appear as an inappropriate and cramped form of development within the garden constituting overdevelopment of the rear garden. This would appear as out of keeping with the character of the surrounding area (being garages/outbuildings on a rear access) and conflict with the relatively spacious character of the built form in the surrounding area. As such, the proposal is contrary to Policies CS14, CS15 and CS19 of the Gravesham Local Plan Core Strategy (September 2014) and Section 12 of the National Planning Policy Framework (2021) which seeks to ensure that new development is, amongst other things, locally distinctive and reinforces the local character of the area.
2. The proposed plans show the dwelling would be served by one parking space which has no access to the highway network and is some 50 metres from the proposed dwelling resulting in future occupier having to walk 50 metres along a narrow unlit alleyway to access the dwelling. As such, the proposal would be detrimental to highway and pedestrian safety and therefore contrary to Policy CS11 of the Gravesham Local Plan Core Strategy (September 2014) and saved Policy P3 of the Gravesham Local Plan First Review (1994).
3. The proposed dwelling would provide extremely poor living conditions to the future occupiers of the dwelling and would cause material harm to their amenity and privacy due to a wholly inadequate poor outlook with the close proximity to garages, overlooked

private amenity space, the unacceptable access to the dwelling and its location on an unsafe and unlit back-land plot. In addition, there is no access to the highway network for occupiers who would need to bring their weekly bin collection to the kerb. As such, the proposal is contrary to Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014) as well as Designing Out Crime and Secured by Design principles.

4. The proposal fails to secure a contribution towards strategic mitigation measures within Special Protection Areas, and in the absence of this contribution or adequate information to inform an Appropriate Assessment, the development fails to comply with the requirements of the Habitat Regulations and Section 14 (specifically paragraphs 170, 175, 176 and 177) of the National Planning Policy Framework (2021) and Policy CS12 of the Gravesham Local Plan Core Strategy (September 2014).

INFORMATIVES:-

1 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) 2021, 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.

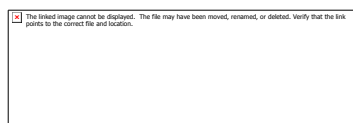
2 DRAWINGS AND DOCUMENTS

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

Application Form - dated 30/03/2022;
Cover Letter - dated 30/03/2022;
Drawing no. 21307 - P1 - Design Statement - dated 03/2022;
Drawing no. 21307 001 - P1 - Location Plan - Title Plan Proposed;
Drawing no. 21307 002 - P1 - Block Plan Existing - Block Plan and Roof Plan Proposed;
Drawing no. 21307 010 - P1 - Ground Floor Plan Proposed - Site Plan Proposed; and
Drawing no. 21307 020 - P1 - Building Elevations and Section Proposed.

Dated: 6 July 2022

Civic Centre
Windmill Street
Gravesend
Kent
DA12 1AU



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.
- **Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.**
- 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.