



Appeal Decision

Site visit made on 13 February 2026

by **L Gardner MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19th February 2026

Appeal Ref: 6002137

21 Hillingdon Road, Gravesend, Kent DA11 7LQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Graham Croker against the decision of Gravesham Borough Council.
 - The application Ref is 20250695.
 - The development proposed is formation of a vehicular access on to an unclassified road and provision of one off-street parking space in front garden with associated hard standing.
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Decision

1. The appeal is dismissed.

Applications for Costs

2. An application for costs was made by Graham Croker against Gravesham Borough Council. This is the subject of a separate decision.

Main Issues

3. The main issues are the effect of the proposal on:
 - the character and appearance of the area; and,
 - the safety of the highway network, with particular regard to the safety of pedestrians using Hillingdon Road.

Reasons

Character and appearance

4. The appeal site comprises a terraced two storey dwelling positioned on the southern side of Hillingdon Road. The dwelling is positioned at a higher level than the adjacent highway with stepped access into the property. The front garden is largely laid to lawn with some small areas of planting. I understand that the front boundary previously featured a brick wall, but this has since been demolished leaving the bank of the lawn exposed in the street scene.
5. Hillingdon Road is characterised by terraced properties of a similar design and appearance to the appeal property. Nevertheless, the characteristics of the site frontages vary significantly along the road. The western end of the southern side of the road, where the appeal site is situated, is largely defined by properties with raised front gardens behind front retaining walls. The height of the walls vary, reflecting the gradient of the road, whereby the properties at the western end are even higher from the road than the appeal site.

6. To the contrary, the eastern end of the southern side of the road typically features front garden areas which have been laid to hardstanding and are used for off street parking, for up to two vehicles in some cases. On the northern side of the road, where properties are typically more level with the highway, hardstanding and associated off street parking forms the predominant front boundary treatment.
7. The appellant has referred to recent appeal decisions which have been allowed for vehicle crossovers in Gravesham (decisions dated January 2026)¹. Having considered these decisions, there is little to suggest that the roads to which those appeals relate are directly comparable in character to Hillingdon Road to a degree that they would justify the appeal development before me. Of greater relevance however, the main parties have also directed my attention towards appeal decisions and planning approvals for similar forms of development elsewhere along Hillingdon Road.
8. I have been provided with a copy of an appeal decision at the attached property, 23 Hillingdon Road². Whilst I note that the appeal site is materially different from its attached neighbour, insofar as there is no front boundary wall or mature tree at the appeal site, the Inspector's description of the western end of the southern side of the road is relevant to the appeal before me. The Inspector in that case found that, the *"majority of these front gardens are retained as such with a variety of lawned areas and other vegetation, giving the road an attractive 'green' appearance compared to the eastern half."* This corresponds with my own site observations.
9. The Council granted planning permission in 2018 for a new vehicular access and associated hardstanding at 10 Hillingdon Road. I have also been presented with an appeal decision at 8 Hillingdon Road³ which was allowed. However, the Inspector in that case specifically referred to, *"a very distinctly different character and appearance to the different parts of the road"*. The appeal site is not directly comparable to dwellings on the opposite side of the road which do not display the same gradient differences between the dwellings and the adjacent highway.
10. The proposal seeks to replace the existing lawn with permeable block paving to create a single parking space within retaining walls. Some existing planting would be retained with additional planting also being proposed, the implementation of which could be secured by condition (as was the case in the decision referred to at 43 Nursery Grove⁴ elsewhere in Gravesend).
11. Even in the absence of a front boundary wall, the appeal site as existing contributes positively to the attractive green nature of the western end of the southern side of the road. The proposal would significantly alter the character of the site through the replacement of the lawn with hardstanding and associated retaining walls.
12. Rather than representing an overall benefit to the character of the area, this would represent a harsh form of development which would be significantly at odds with the character of this part of the road. I find that the impacts of the development would not be fully mitigated by the level of planting, both existing and proposed,

¹ 6001400 decision dated 12 January 2026; APP/K2230/D/25/3375413 decision dated 15 January 2026 and 6001704 decision dated 15 January 2026

² APP/K2230/D/20/3249712 decision dated 11 January 2021

³ APP/K2230/D/21/3277340 decision dated 1 November 2021

⁴ APP/K2230/D/22/3295979 decision dated 5 September 2022

particularly noting that the proposed landscaping would be, at least in part, screened by the proposed retaining wall.

13. In the assessment of a proposal for the conversion of a front garden to a driveway at 27 Hillingdon Road (which is east in relation to the appeal site), the Inspector in their decision⁵ found that *"the crossover and parking area could be acceptable in principle in this location."* However, the decision equally acknowledges that the extent of engineering works is likely to be more substantial towards the western end of Hillingdon Road, *"increasing the possibility of harm in character terms."* My conclusions are therefore not at odds with this decision (which was equally dismissed partially due to harm to the character and appearance of the area).
14. Based on the above, the proposal would have a harmful effect on the character and appearance of the area. It would therefore be contrary to Policy CS19 of the Gravesham Local Plan Core Strategy (2014) (GLPCS) which, amongst other matters, requires new development to conserve and enhance the character of the local built environment and integrate well with the surrounding local area.

Highway safety

15. Policy CS11 of the GLPCS states in part that new developments should mitigate their impact on the highway network. The proposal does represent new development even though it relates to a current property and therefore I find this policy to be of relevance to the appeal proposal before me. Whilst the appellant refers to this policy as being 'time expired', there is little to suggest that the policy wording is inconsistent with the National Planning Policy Framework (the Framework), despite its age.
16. Saved Policy T1 of the Gravesham Local Plan First Review (1994) (GLPFR) refers to the need to consider the impact on the transport system generated by new development. Saved Policy T5 of the GLPFR relates to the formation of new accesses to the roads forming the highway network shown on the Proposals Map. Based on my interpretation, this does not appear to include Hillingdon Road and therefore I find Saved Policy T5 of the GLPFR to be of limited relevance to the appeal before me.
17. The Council has not raised significant concerns regarding vehicle visibility even noting that vehicles would not be able to turn on site. I also note the low level of accident records within the surrounding area. There is an acknowledgment that highway characteristics including speed bumps and common occurrences of on street parking, would likely lead to lower speed passing traffic. Based on the evidence before me, I see no reason to take a different view in relation to vehicle safety.
18. Kent County Council (KCC) has produced recent guidance on dropped kerbs in the form of a Residential Dropped Kerb Guidance and Self-Assessment v9 (2025). This document outlines that for pedestrian visibility, a splay of at least 2m by 2m with a maximum height of 0.6m from the back of the footway will be required. I have little substantive evidence before me to confirm that this document is in contradiction to Manual for Streets 1 and 2. The appellant has referred to the Kent Design Guide which they contend allows for a parameter range from 1m to 2m.

⁵ APP/K2230/D/24/3351826 decision dated 12 November 2024

However, unlike the 2025 guidance, I do not have a full copy of this document, its status, nor its age.

19. The plans demonstrate pedestrian visibility splays of 1.5m by 1.5m in either direction. Whilst it is suggested that any retaining walls within the visibility splays would be no higher than 0.6m, this is inconsistent with the elevational plans for the retaining walls, which do not show a reduced wall height at the highway edge.
20. The appeal site is relatively close to services including a church and secondary school. It is therefore reasonably likely that pedestrian traffic along Hillingdon Road would frequently include children. In the absence of appropriate pedestrian visibility splays being demonstrated, the proposal could lead to an increased likelihood of conflict between vehicles and pedestrians using the footway. This would be to the detriment of the safety of the users of Hillingdon Road.
21. The appellant suggests that reduced visibility splays have been accepted elsewhere by the Council, including in relation to a planning approval at 10 Hillingdon Road as well as a larger scheme for 400 dwellings elsewhere in Gravesend. Various other sites are also referred to but I do not have the full details of these, such as their site context or indeed the pedestrian visibility splays which were approved at these sites.
22. In any case, they all appear to pre-date the above referenced 2025 guidance which sets out the required pedestrian visibility splays. I have therefore attached very little weight to the consideration of the other sites presented. The appeal decision within the evidence in Dartford⁶ does not appear to relate to pedestrian visibility and is therefore of limited relevance to the appeal scheme before me.
23. I have been provided copies of appeal decisions at Old Road West⁷ elsewhere in Gravesend where the Inspector referred to highway safety not being compromised, partially on the basis that the accesses would be little different to existing accesses elsewhere along the road. Whilst frontage parking is evident along Hillingdon Road, at the point of the appeal site, it would be an uncharacteristic feature. Pedestrians would therefore potentially not be proceeding with the same level of caution as they would be on other parts of the road. I therefore cannot make the same conclusions that the presence of frontage parking elsewhere justifies the increased risk to pedestrians which would occur through the appeal proposal.
24. Even in the absence of a formal objection from KCC as the highway authority, I find that the proposal would have an unacceptable effect on the safety of the highway network, with particular regard to the safety of pedestrians using Hillingdon Road. It would therefore be contrary to Saved Policy T1 of the GLPFR and Policy CS11 of the GLPCS.

Other Matters

25. There is an acknowledgement that the appeal proposal involves excavation works, which as referenced in a previous appeal decision within Rochester⁸ can fall within permitted development limits. The appellant has suggested that a fall-back position exists including excavation works up to 300mm in depth across the whole garden.

⁶ APP/T2215/W/20/3251527 decision dated 14 April 2021

⁷ APP/K2230/D/24/3351002 and APP/K2230/D/24/3349193, both decisions dated 12 November 2024

⁸ APP/A2280/D/18/3201375 decision dated 15 March 2019

26. However, based on the details before me, I cannot be satisfied that this would create a parking space which would be level with the highway. In any case, it is implicit in this argument that the proposal involves more excavation works than would be possible through permitted development rights and therefore I remain to be convinced that a scheme through permitted development would be more harmful in character and appearance terms. I have therefore attached limited weight to this potential fall-back position.
27. The proposal would have associated benefits including the facilitation of infrastructure for the charging of electric vehicles. There would also be benefits associated with the potential reduction in street parking and the additional planting proposed. In addition, the proposal may improve access to the site, including for elderly residents or those with limited mobility using scooters (albeit the steps to access the dwelling would remain). On this basis, the proposal would represent an efficient use of the site. However, given the scale of the development, I find that the associated benefits would be limited. They would not be sufficient to outweigh the harm which I have identified to the character and appearance of the area and pedestrian safety.
28. I have had due regard to Article 8 of the Human Rights Act 1998 which outlines that everyone has the right to respect for his private and family life, his home and his correspondence. These rights are engaged in reaching my decision. Nevertheless, they are qualified rights and interference may be justified where in the public interest. The concept of proportionality is key. In this case I have not identified any specific interference through the dismissal of the appeal proposal. The decision is therefore proportionate.
29. Whilst no harm has been identified in respect to matters of drainage or neighbouring living conditions, this does not specifically weigh in favour of the proposal. It is also presented that the proposal would amount to a reduced need for the upkeep of the appeal site but in the context of the proposed additional planting I cannot be satisfied that this would be the case.
30. The appellant has suggested that the Council has been inconsistent in their decision making, contrary to the Court's⁹ legal principles. The Council's associated officer report sets out clearly why the Council has taken its decision, including in reference to the various other cases referred to by the appellant and why the Council considered these to be materially different. I have therefore not identified any substantive evidence of inconsistency in decision making.

Conclusion

31. I conclude that the proposal conflicts with the development plan when read as a whole, and material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons given, the appeal is dismissed.

L Gardner

INSPECTOR

⁹ *Widdington Parish Council v Uttlesford District Council* [2023] EWHC 1709