

Delegated Report

Householder Planning Application

Planning Application No: 20231261

Location: 1 Nansen Road Gravesend Kent DA12 5DA

Description: Retrospective retaining wall and area of hardstanding; proposed dropped kerb to allow vehicle access.

Applicant: Laimute Carkiniene

Site Visit Date: 16th January 2024

Submitted Documents/Plans

Application Form Dated 06/12/2023;
Supplementary Information – Planning Statement – Received 07/12/2023;
Drawing Number SC/23/152-201 Rev A (Plans and Elevations – Proposed);
Drawing Number SC/23/152-101 Rev A (Plans and Elevations – Existing);
Drawing Number 1 Nansen Road V3 (Block Plan – Pre Existing);
Drawing Number 1 Nansen Road V3 (Floor Plan – Pre Existing);
Drawing Number 1 Nansen Road V3 (Site Location Plan); and
Drawing Number 1 Nansen Road V3 (Visibility Splay Block Plan).

Relevant Planning History

Reference	Description	Decision	Decision Date
20230334	Retrospective retaining wall and area of hardstanding, and proposed dropped kerb to allow vehicle access.	Refused	18.07.2023
20040438	Erection of single storey extension to form shower room/WC.	Permitted	01.07.2004
19542032	use of land (60.43 acres approx.) for residential use. This file contains planning documents for TH/2/54/32B, C, D, E & F	No Decision Notice	30.11.1954

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS18 – Climate Change
- CS19 – Development & Design Principles

Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards

Paragraph 33 of the NPPF (2023) sets out that policies within adopted local plans should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. Such reviews are also a legal requirement as set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012.

The Council undertook such a review in September 2019 and found that the adopted Local Plan Core Strategy is in need of a partial review in terms of Policy CS02, due to the increased need for housing since the Local Plan Core Strategy was adopted and the need to ensure that a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) generally conform with the NPPF (2023), the Council will also seek to replace these.

National Planning Policy Framework (2023)

- Section 2 – Achieving Sustainable Development
- Section 12 – Achieving well-designed and beautiful places

Supplementary Planning Guidance

- 2 - Residential layout guidelines including Housing Standards Policy Statement October 2015 Adopted 1996 – amended June 2020;
- Technical Housing Standards – nationally described space standard (2015);
- SPG 4 - KCC Parking Standards (2006);
- Householder Extensions/Alterations Design Guide (2021); and

Consultations, Publicity and Representations

Consultees

GBC Highways Officer

This is a complex application given the proximity of the highway junction and the fact the garden supports the highway. There is only a single cross-section, but the applicant should note the requirements of Section 167 of the Highways Act 1980 and if necessary, seek the appropriate approvals from the highway authority, Kent County Council for the retaining wall.

I have concerns regarding the drainage as the only indication is that it discharges to the existing installation with no details supplied. The current building regulations do not permit a soakaway to be positioned within 5 metres of a building or a highway. Extract from Building Regulations below

Soakaways and other infiltration drainage systems

3.23 Infiltration devices include soakaways, swales, infiltration basins and filter drains.

3.24 Further information on the design of infiltration drainage systems can be found in CIRIA Report 156 – *Infiltration drainage – Manual of good practice*.

3.25 Infiltration drainage is not always possible. Infiltration devices should not be built:

- a. within 5m of a building or road or in areas of unstable land (see Planning Policy Guidance Note 14 Annex 1);

Given the size of the front garden an infiltration device only has a small window of opportunity and as the existing details have not been submitted, the only suggestion is the paved area should be constructed from a bound permeable material.

The sight line drawing for the access is totally wrong, to the right on egressing the site, the sight line would extend to the tangent of the kerb line, with a check that there is 43m of visibility to the right on egress, the sight line should be appropriate for the speed vehicles negotiate the junction and be measured along the near side kerb. Assuming a speed of 15 mph, this requires a sight line of 18 metres, whilst if the speed is reduced to 10mph the sight line reduces to 11 metres and increases to 25 metres for 20mph. Traditionally unless there is a very good reason to apply otherwise, the sight line is measured from the centre of the access, which is not the case here, but in truth in this instance it would make little difference to what can be achieved.

Given the odd angle of the parking area to the access, the applicant needs to demonstrate the paved

area can be readily accessed/egressed without any shunting movements by a large family saloon such as a BMW Series 5 or similar vehicle

I would recommend either the application is invalidated, or the application is refused.

- Inadequate information regarding the drainage of the paved area, with potential overload of the existing system.
- Sight line drawings not presented correctly, a road safety issue.
- Access and egress from the paved area to be justified via appropriate swept path/tracked drawing for a large family saloon such as a BMW series 5 or similar, to ensure no shunting movements are required on the highway. A road safety issue.

KCC Highways

Referring to the above description, it would appear that this development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements. If there are any material highway safety concerns that you consider should be brought to the attention of the HA, then please contact us again with your specific concerns for our consideration.

Informative: It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.

Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the public highway. Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil.

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process.

Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissions-and-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181

Neighbouring properties

Three surrounding properties were consulted and no representations were received. The consultation period ended on 5th January 2024.

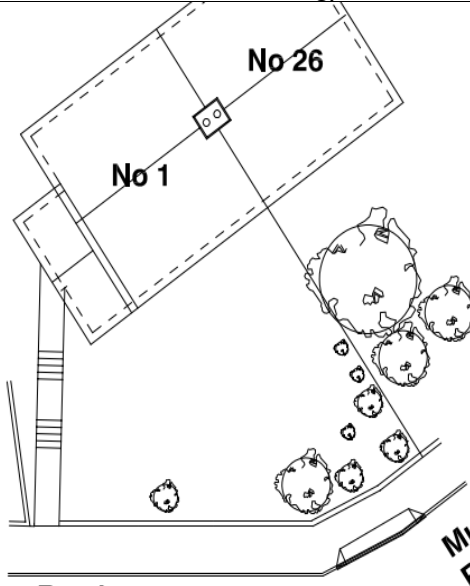
Preliminary Matters

Previous application 20230334 for retrospective retaining wall and area of hardstanding, and proposed dropped kerb to allow vehicle access was refused on the following grounds:

- 1. The existing works to the front garden result in a hardening of the streetscene, detrimental to the visual amenity of the application property, streetscene and character of the area as a whole. The development is therefore contrary to 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) (2021).*
- 2. The existing works have resulted in the removal of a substantial amount of soft landscaping to the frontage and therefore has resulted in a loss of biodiversity. The proposal is therefore contrary to Policy CS12 (Green Infrastructure) of Gravesham's Local Plan Core Strategy (LPCS) (2014) and Section 15 (Conserving and Enhancing the Natural Environment) of the National Planning Policy Framework (NPPF) (2001).*

The current application looks to overcome these issues.

As confirmed by Officer site visit, it is noted that 'Drawing Number SC/23/152-101 Rev A (Plans and Elevations – Existing)' is incorrect in terms of what currently exists on the site at the moment, as the existing bollards are not shown and soft landscaping is included where there is none. The plan is indicative of the front garden prior to any works being undertaken to form a hardstanding:

Site Visit Photograph	Drawing Number SC/23/152-101 Rev A (Plans and Elevations – Existing)
	 Nansen Road Existing site plan

Officer's Analysis

Design, Character and Appearance

1 Nansen Road is a two-storey semi-detached property located on the Eastern side of the Highway. The property has been block paved to the frontage to create off road parking with some soft landscaping. There is vehicular access and a garage to the rear.



The application proposes the retention of a retaining wall and area of hardstanding to the front and proposed dropped kerb to allow vehicle access.

As built, the hardstanding area is constructed using block paving. The proposed parking area would have a maximum width of 10.94m width and a depth ranging from 3.4m to 7.9m, which conforms to current guidance. The application proposes a new gully with drain fitting, measuring 3.26m from the front elevation of the dwellinghouse. The proposed crossover would measure 4m wide and 2m in depth.

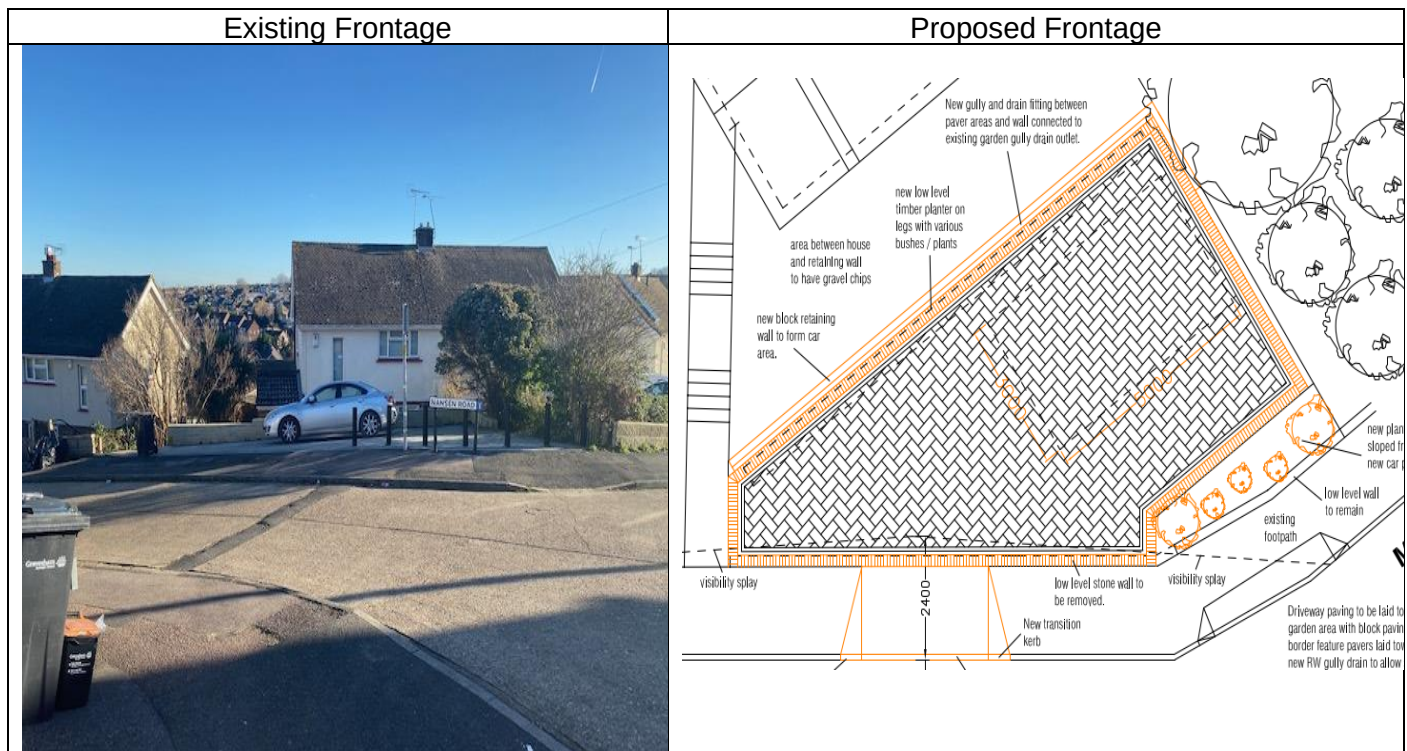
The application seeks to remove the seven existing bollards to be replaced with a new planted area and an additional low level timber planter to the rear of the hardstanding area.

Prior to existing works to the frontage, the property benefitted from a low-level boundary wall, mature hedging and landscaping and a laid to lawn front garden. This had a positive contribution to the visual amenity to the street scene and surrounding area.



The initial removal of the soft landscaping and the laying of hardstanding has resulted in a hardening of the street scene which generally does benefit from pockets of soft landscaping in the form of boundary hedging and laid to lawn front gardens.

The proposed application looks to soften the appearance of the existing frontage by way of replacing the existing bollards with a planted area and the addition of a low-level timber planter on legs to the rear of the hardstanding area.



Whilst the changes do go part way to soften the overall appearance and is an improvement on the previous application, it is considered that the amount of soft landscaping proposed is insufficient to reduce the hardened appearance of the development and the wider streetscene. Furthermore, the proposed planter on legs is not deemed to be a permanent feature in terms of soft landscaping, which if relocated would detrimentally affect the overall appearance of the frontage.

Therefore, whilst the removal of the bollards and the additional soft landscaping are an improvement on the existing frontage, they are considered to be minimal and tokenistic and do not sufficiently soften the current landscape.

As such the resubmission has not sufficiently addressed refusal of the previous application and therefore, in terms of design, character and appearance, the proposed works to the front garden are still considered to result in a hardening of the streetscene, detrimental to the visual amenity of the application property, streetscene and character of the area as a whole. The development would therefore be contrary to Policy CS19 (Development and Design Principals) if Gravesham's Local Plan Core Strategy (LPCS) (2014) and Section 12 (Achieving well-designed and beautiful places) of the National Planning Policy Framework (NPPF) (2023).

The planning statement submitted with the application again refers to similar works undertaken at neighbouring properties 24 and 26 Mungo Park Road. A planning application was not submitted for the works to 24 Mungo Park Road. However, as shown on Google Earth images, the development was carried out in 2018 and would therefore be exempt from enforcement action due to the passage of time passed. A retrospective application has been submitted to the Local Authority for the works to 26 Mungo Park Road, of which no determination has been given. Therefore, neither properties benefit from planning permission for the works carried out to the frontage.

Overall, by virtue of the design, character and appearance, it is not considered that the resubmission has over come the issues with the previous application. As such, the proposed works to the front garden would result in a hardening of the streetscene, detrimental to the visual amenity of the application property, streetscene and character of the area as a whole. The development is therefore contrary to Policy CS19 (Development and Design Principals) if Gravesham's Local Plan Core Strategy (LPCS) (2014) and Section 12 (Achieving well-designed and beautiful places) of the National Planning Policy Framework (NPPF) (2023).

Amenity of Future Occupiers

The amenity of future occupiers is safeguarded by the development, in accordance with Policy CS19 (LPCS) and Section 12 of the National Planning Policy Framework (NPPF) (2023).

Neighbouring Amenity

The retention of the retaining wall and area of hardstanding to the front does not negatively impact neighbouring amenity. As such, the proposal is in accordance with Policy CS19 (LPCS) and Section 12 of the National Planning Policy Framework (NPPF) (2023).

Parking and Highways

As per comments from Gravesham's Highways Officer, there is a lack of information to sufficiently assess the application.

If approval were to be recommended for a future application, clarification would be required with regards to the following:

- Further information regarding the drainage of the paved area. It is recommended that a bound permeable material is used.
- Sight line drawings not presented correctly, a road safety issue. Plans with accurate visibility splays should be provided.
- Access and egress from the paved area to be justified via appropriate swept path/tracked drawing for a large family saloon such as a BMW series 5 or similar, to ensure no shunting movements are required on the highway. A road safety issue.

Any Other Material Planning Considerations

Impact on Biodiversity

As aforementioned within this report, the existing works have resulted in the removal of a substantial amount of soft landscaping within the front garden and therefore has resulted in a loss of biodiversity. Section 15 of the NPPF (2023) states that developments should result in a biodiversity net gain. The proposed soft landscaping is not considered to mitigate the loss that has already resulted. The proposal would therefore be contrary to Policy CS12 (Green Infrastructure) of Gravesham's Local Plan Core Strategy (LPCS) (2014) and Section 15 (Conserving and Enhancing the Natural Environment) of the National Planning Policy Framework (NPPF) (2023).

Conclusion

By virtue of the design, character and appearance, it is not considered that the resubmission has overcome the issues with the previous application. As such, the proposed works to the front garden would result in a hardening of the streetscene, detrimental to the visual amenity of the application property, streetscene and character of the area as a whole. The development is therefore contrary to Policy CS19 (Development and Design Principles) of Gravesham's Local Plan Core Strategy (LPCS) (2014) and Section 12 (Achieving well-designed and beautiful places) of the National Planning Policy Framework (NPPF) (2023).

The proposed soft landscaping is not considered to mitigate that which has been previously removed. As such, the proposal would therefore be contrary to Policy CS12 (Green Infrastructure) of Gravesham's Local Plan Core Strategy (LPCS) (2014) and Section 15 (Conserving and Enhancing the Natural Environment) of the National Planning Policy Framework (NPPF) (2023).

Recommendation

Refusal

(For detailed conditions / reasons for refusal and informatives, see draft Decision)

Case Officer:	Mrs Nina Goodbody	Team Leader:	Miss Faye Hobbs
Signed:	<i>N Goodbody</i>	Signed:	
Dated:	16th January 2024	Dated:	25 January 2024