

Delegated Report

Householder Planning Application

Planning Application No: 20230557

Location: 54 Ruffets Wood Gravesend Kent DA12 5JQ

Description: Installation of a dropped the kerb for vehicular access to the front of the property.

Applicant: Mr Olusegun Oso

Submitted Documents/Plans

- Application Form
- Site Location Map
- Proposed Block Plan
- Existing Elevations

Relevant Planning History

No relevant planning history.

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS11 – Transport
- CS12 – Green Infrastructure
- CS18 – Climate Change
- CS19 – Development & Design Principles
- CS20 – Heritage and the Historic Environment

Saved Policies in the Gravesham Local Plan First Review (November 1994):

- P3 – Vehicle Parking Standards
- Policy T1 - Impact of Development on the Highway Network
- Policy T5 – Access to the Identified Highway Network
- Policy TC2 – Listed Building

Paragraph 33 of the NPPF (2023) sets out those 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 the review 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 a sufficient land supply exists to

meet this need. Whilst saved policies from the Local Plan 1st Review (1994) general conform with the National Planning Policy Framework (2023), the Council will also seek to replace these.

Other material considerations

Section 72(1) of the Planning (Listed Buildings and Conservation Areas Act) 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the setting of a listed building.

National Planning Policy Framework (2023)

- Section 2 – Achieving sustainable development
- Section 9 – Promoting Sustainable Transport
- Section 12 – Achieving well-designed places
- Section 16 – Conserving and enhancing the historic environment

Other relevant guidance

- Kent County Council Vehicle Crossing: - Guidance and Self-Assessment (2018)

Supplementary Planning Guidance

- SPG2 - Residential Layout Guidelines (2020)
- SPG 4 - KCC Parking Standards (2006)
- SPD4 - Householder Extensions/Alterations Design Guide (2021)
- PGN6 - Planning Policy for vehicular accesses to classified highways (2009)

In addition to the Local Plan policies, the Council has adopted supplementary guidance ***“Planning Policy for vehicular accesses to classified highways”*** (Planning Guidance Note No 6).

This gives detailed advice regarding design criteria for vehicular accesses and sets out the circumstances where permission will be granted for new vehicle accesses onto classified roads. It has been the subject of thorough public consultation.

The Council's policy and guidance for controlling the formation of vehicular accesses to classified highways is long established dating from the mid 1970's and reaffirmed in November 1980. It was established as a planning policy through the original Gravesham Local Plan in 1987. The policy guidance was revised in September 1991 following which an explanatory leaflet was produced. In November 1992 the policy guidance was reappraised. The policy guidance was modified only in its interpretation concerning accesses to local distributor routes subject to a 30mph speed limit. This had the effect of deleting on such roads the requirement for the provision of a vehicle turning area within the site to enable vehicles to enter and leave in a forward direction.

The current guidance makes it clear that whilst each application for a new vehicular access to a classified road will be considered on its individual merits, certain standards will apply throughout:-

- There should be a minimum depth of 5.0 metres available from the rear edge of the highway or path, to ensure a car can be parked wholly off the road (increased to 5.5 metres where the driveway leads to a garage door);
- Visibility splays should be provided appropriate to the class of road and the speed of passing traffic. Typical standards are 2 x 2 metres (measured along back of footway) for pedestrians and 2 x 45 metres (measured along kerb line) for vehicles. Where these cannot be provided within the applicant's land-holding, the agreement of a neighbouring landowner may be required to comply;
- There should be sufficient width on the public road to ensure that vehicles may turn in and out safely with no lateral damage or over-running of verges or private property;
- Excessive gradients which would cause dangers to road users in wet/icy conditions should be

avoided;

- The access should not create a hazard by virtue of its close proximity to other entrances, road junctions, pedestrian crossings and traffic islands;
- In conservation areas and in the grounds of listed buildings, there will be a presumption against paving over the entire forecourt for the benefit of parking. New proposals should seek to retain at least half of the garden as soft landscaping.

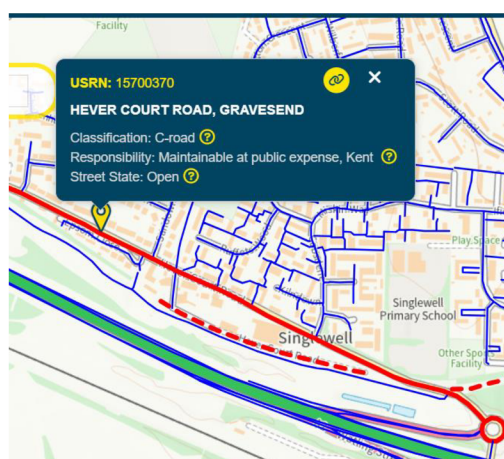
Consultations, Publicity and Representations

Local Ward Councillors

No comments received.

GBC – Highways Officer

Hever Court Road is a 'C' classified road according to FindMyStreet data base.



However, it is subject to a 40mph speed limit so to comply with PGN 6 on site turning is required and none can be provided.

I also cannot trace a suitable drawing to give an accurate size of the parking space, but Kent County Council require a depth of 6 metres when the parking is in front of a door to ensure there is adequate pedestrian access to the property.

Please only apply if you have the minimum measurements detailed in the following criteria:

Space Criteria Table- Minimum Measurements Required

How will you park the car	Width(minimum)	Depth(minimum)
A/ Perpendicular-Parking area at right angles to the road	2.4 metres	4.8 metres
B/ Perpendicular with access Point- Parking area in front of access door or garage	2.4 metres	6 metres

Given the above I can only recommend refusal.

Note there may I believe be a breach of planning as the front garden should be permeable paved, a channel at the boundary is not permeable paving.

Neighbouring properties

The application was advertised by way of site notice and letters to 3 surrounding properties. The consultation period expired on 22.09.2023 and no comments were received.

Analysis

Proposal

This application seeks permission for the installation of a dropped the kerb for the creation of a vehicular access and retention of existing hardstanding to facilitate off road parking for one vehicle.



The existing hardstanding measures approx. 5.17m in depth and 3.84m in width. The submission does not include any detailed plans and there is only the below proposed block plan which indicates the size and location of the proposal.



Character and Appearance

The application site comprises a modest two storey mid terrace house in use as a single family dwelling. The property is situated within the setting of a listed building known as the George Pub, this building is on the opposite side of the highway. The frontage of the application site is accessible via Hever Court Road which is a busy 'C' classified road and has double yellow lines on both sides of the highway.



As can be seen from the above image the front garden of the property is used for off road parking and there is no dropped kerb in place. To the west of the property, there is a semi-detached dwelling with a driveway, however this benefits from a wider frontage.

Looking to the application property itself, as shown in the photo below, prior to the existing works to the frontage, the property benefitted from a laid to lawn front garden. This had a positive contribution to the visual amenity of the streetscene and area as a whole. The removal of all the soft landscaping, the laying of hardstanding has resulted in a hardening of the streetscene which generally does benefit from pockets of soft landscaping in the form of boundary hedging and laid to lawn front gardens.



The majority in this row of terraces have soft landscaping which contributes positively to the character of the area.

The existing front garden has had the laid to lawn front garden and other soft landscaping removed and replaced with block paving to create off road parking for one vehicle. The existing situation is that a vehicle would have to 'bump' up the existing kerb which over time is likely to cause damage to the kerb and footpath and due to the size of the parking area, a vehicle would not be able to exit the property in a forward gear due to the inability to turn within the parking space.

The removal of the laid to lawn front garden and other soft landscaping and its replacement with block paving has resulted in a hardening of the streetscene which has a detrimental impact on the visual amenity of the area. Due to the size of the frontage, it would not be possible to incorporate any soft landscaping to mitigate the loss and to soften the view from the streetscene.

Overall, and taking into consideration the above, the existing development has resulted in an unacceptable visual impact on the area and permitting the proposed dropped kerb would further exacerbate the situation.

Therefore, in terms of design, character and appearance, the existing and proposed works would have a detrimental impact on 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 Principles) of Gravesham's Local Plan Core Strategy (2014) and Section 12 of the National Planning Policy Framework (2023).

Amenity of Future Occupiers

The proposal would not result in any harm to the amenity of future occupiers of the property. As such in respect of amenity of future occupiers the proposal is considered to comply with SPG2 Residential Layout Guidelines 2020 and Policy CS19 of the Local Plan Core Strategy 2014.

Neighbouring Amenity

The proposal would not result in any harm to the amenity of occupiers of surrounding properties. There would be no loss of sunlight, overlooking, overbearing or loss of outlook as a result of the proposal. As such in respect of amenity of occupiers of neighbouring properties.

Parking and Highways

In relation to the vehicular access, the preamble of saved Policy T5 (LPFR) states that; *In urban area, turning movements account for a significant proportion of accidents. On major routes in rural area, speed becomes an additional factor. New accesses can create further potential hazards, both by increasing the number of turning movements on urban roads and by creating additional potential obstructions on the rural road network. It is particularly important that the main highway network of primary, district and local distributors should remain free of new accesses.*

Saved Policy T5 says; *The formation of new accesses or the intensification of use of existing accesses to the roads forming the highway network shown on the Proposals Map will not normally be permitted, except where no danger would arise and where a properly formed access can be created in a location and to a standard acceptable to the Local Planning and Highway Authorities.*

Paragraph 11 of the National planning Policy Framework (2023) states that plans and decisions should apply a presumption in favour of sustainable development which means approving development proposals that accord with an up-to-date development plan (paragraph 11c) and where there are no relevant development policies, or out-of-date planning permission should be granted unless any adverse impacts would so significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole (paragraph 11d)ii).

In addition to the Local Plan policies, the Council has adopted supplementary guidance "Planning Policy for vehicular accesses to classified highways" (Planning Guidance Note No 6). This gives detailed advice regarding design criteria for vehicular accesses and sets out the circumstances where permission will be

granted for new vehicle accesses onto classified roads. It has been the subject of thorough public consultation.

The Council's policy and guidance for controlling the formation of vehicular accesses to classified highways is long established dating from the mid 1970's and reaffirmed in November 1980. It was established as a planning policy through the original Gravesham Local Plan in 1987. The policy guidance was revised in September 1991 following which an explanatory leaflet was produced. In November 1992 the policy guidance was reappraised. The policy guidance was modified only in its interpretation concerning accesses to local distributor routes subject to a 30mph speed limit. This had the effect of deleting on such roads the requirement for the provision of a vehicle turning area within the site to enable vehicles to enter and leave in a forward direction.

The current guidance makes it clear that whilst each application for a new vehicular access to a classified road will be considered on its individual merits, certain standards will apply throughout:-

- there should be a minimum depth of 5.0 metres available from the rear edge of the highway or path, to ensure a car can be parked wholly off the road (increased to 5.5 metres where the driveway leads to a garage door);
- visibility splay should be provided appropriate to the class of road and the speed of passing traffic. Typical standards are 2 x 2 metres (measured along back of footway) for pedestrians and 2 x 45 metres (measured along kerb line) for vehicles. Where these cannot be provided within the applicant's land-holding, the agreement of a neighbouring landowner may be required to comply;
- there should be sufficient width on the public road to ensure that vehicles may turn in and out safely with no lateral damage or over-running of verges or private property;
- excessive gradients which would cause dangers to road users in wet/icy conditions should be avoided;
- the access should not create a hazard by virtue of its close proximity to other entrances, road junctions, pedestrian crossings and traffic islands;
- in conservation areas and in the grounds of listed buildings, there will be a presumption against paving over the entire forecourt for the benefit of parking. New proposals should seek to retain at least half of the garden as soft landscaping.

On Schedule 1 roads, the following additional considerations apply:-

- where an alternative means of vehicle access can be provided which does not affect the main road, a new access to the classified road will normally be refused;
- all applications will be expected to show on-site turning space – typically, this will require a minimum forecourt area of 7.5 metres width and 8 metres depth;
- exceptional circumstances will be needed to justify the creation of more than one means of access to a single residential property;
- all new entrances will have to have full sight-lines appropriate to the speed of passing traffic and all reasonable steps should be taken to design out any hazards arising from this access. This may entail further work in the highway.

Schedule 1 roads covers all trunk roads, primary and district distributor routes (A and B roads) and those local distributor routes which fall partly or wholly outside a 30mph speed limit.

The basic requirement of an access to A or B class roads (Schedule 1 roads) is that a car should be able to

be driven in and out in a forward direction and hence there has to be sufficient space for turning the vehicle around on the forecourt in addition to the vehicle parking space. This should not be in the form of a multi-point turn.

This policy, which has been adopted and strictly enforced by the Council over the past 30 or more years aims to ensure that residents who live on major strategic routes are not permitted to create entrances which would require them to reverse their vehicles either on or off the public highway and thereby causing potential danger to other moving traffic as well as to pedestrians.

It would not be possible to satisfy the above policy criteria at this property is located in Hever Court Road and the size of the front garden is such that it would not be possible to create a turning area in accordance with the Council's adopted minimum criteria and technical requirements to enable vehicles to enter and leave in a forward direction.

The width of the front garden is a maximum of 3.8m which is considerably below the acceptable standards. Whilst it is acknowledged that there are other properties that have parking in the front garden area along this stretch of Hever Court Road, there does not appear to be a record of planning permission.

Furthermore it should be noted that a similar proposal at 170 Wrotham Road was refused and subsequently dismissed at appeal under reference APP/K2230/D/19/3236225 (See Appendix 1) with the appeal officer citing the proposal would have a "harmful effect on the highway" The proposal at 170 Wrotham Road also sought to create a dropped kerb to provide access to the property frontage from a C Classified Road.

Overall and taking into consideration the above, in terms of highway safety, the proposed access and hardstanding would pose as a significant highway hazard.

The proposed crossover is detrimental to highway safety and the hardstanding serving it is substandard contrary to CS11 and CS19 of the Gravesham Local Plan Core Strategy 2014, Policy T5 Local Plan First Review (1994), the Council's Planning Guidance Note 6: Planning Policy for Vehicular Accesses to Classified Highways (February 2009) adopted as supplementary planning guidance, Section 9 of the National Planning Policy Framework (2023) and - KCC Parking Standards (2006).

Any Other Material Planning Considerations

Impact on Biodiversity - as aforementioned within this report, the existing works and the proposed development have resulted in the entire removal of soft landscaping within the front garden and therefore has resulted in a loss of biodiversity. Section 15 of the National Planning Policy Framework (2023) states that developments should result in a biodiversity net gain. The proposal would therefore be contrary to Policy CS12 (Green Infrastructure) of Gravesham's Local Plan Core Strategy Local Plan Core Strategy (2014) and Section 15 of the National Planning Policy Framework (2023).

Impact on the Listed Building

The George Pub is a Grade II Listed Building and is positioned on the opposite side of the highway and as such, due to the distance between the properties, it is considered there will not be an adverse impact on the listed building.

Conclusion & Recommendation

The application has been fully assessed and it is considered that the proposal cannot be supported as it would result in a detrimental impact on the visual amenity of the streetscene and area as a whole, a loss of biodiversity and highway safety reasons, contrary to Policies CS11, CS12 and CS19 of the Gravesham Local Plan Core Strategy (2014), saved Policy T5 of the Gravesham Local Plan First Review (1994), Sections 12 and 15 of the National Planning Policy Framework (2023) and the Council's Planning Guidance Note 6: Planning Policy for Vehicular Accesses to Classified Highways (2009) adopted as supplementary planning guidance.

Therefore, it is recommended that planning permission is refused, for the following reasons:

1. The existing works to the front garden, together with the proposed crossover has and would further 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 of Gravesham's Local Plan Core Strategy (2014) and Section 12 of the National Planning Policy Framework (2023).
2. The existing works have resulted in complete removal of soft landscaping of the front and therefore has resulted in a loss of biodiversity. The proposal would therefore be contrary to Policy CS12 of Gravesham's Local Plan Core Strategy (2014) and Section 15 of the National Planning Policy Framework (2023).
3. The front garden area of No. 54 Ruffets Wood, Gravesend is unable to provide an acceptable turning area in accordance with the Council's adopted criteria and technical requirements to enable a vehicle to enter and leave in a forward direction. The development without adequate turning facilities within the site would result in vehicles reversing into and out of the site potentially requiring vehicles to stop in the highway to the detriment of the free flow of traffic. As such this would be to the detriment of highway and pedestrian safety and the free flow of traffic on this busy classified 'C' class road, contrary to Policy CS11 of the Gravesham Local Plan Core Strategy (2014), saved Policy T5 of the Gravesham Local Plan First Review (1994), paragraph 130 of the National Planning Policy Framework (2023) and the Council's Planning Guidance Note 6: Planning Policy for Vehicular Accesses to Classified Highways (2009) adopted as supplementary planning guidance.

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

Case Officer:	Mrs Sharon Sahota	Team Leader:	Richard Hart
Signed:		Signed:	
Dated:	12.10.2023	Dated:	18th October 2023