

Application: 20221085

**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

To: **Mr and Mrs S. Phagura
C/O Mr Steve Baker, Steve Baker Architect
78 Pound Road
East Peckham
Tonbridge
Kent
TN12 5BJ**

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:

**Westside
Wrotham Road
Meopham
Gravesend
Kent
DA13 0HW**

and being **Demolition of existing two-storey three-bedroom dwelling and erection of two-storey with roof accommodation five-bedroom detached dwelling and associated ancillary garden building, hard and soft landscaping, and associated car parking.**

Your application dated 10th October 2022 is refused on the following grounds:-

1. The replacement dwelling is incongruous and unacceptable, in design terms, by virtue of the increase in height, massing/scale, landing and use of insensitive materials/fenestration would harm the character and appearance of the surrounding area, and would fail to comply with the requirements of Policy CS19 of the Gravesham Local Plan Core Strategy 2014, and paragraphs 126, and 130 of the National Planning Policy Framework 2021.
2. The overall design of the dwelling, by virtue of the roof terrace and first floor flank windows, harms the living environments/privacy of existing and future occupants of both neighbouring sites. The first floor flank windows and roof terrace would also result in direct overlooking into the private amenity space of Riseley and the properties at Hook Green Court. Also, given the massing of where the replacement dwelling would be situated within the plot, the increase in massing, scale and height would create an overbearing impact to the neighbouring properties. The proposal would therefore fail to provide a high standard of amenity for neighbouring's sites which conflicts with the requirements of Policy CS19 of the Gravesham Local Plan Core Strategy 2014 and paragraphs 126 and 130 of the National Planning Policy Framework 2021.
3. The proposed garden building would not be for use incidental to the main dwelling due to its scale, self-contained accommodation and the potential for forming a wholly separate unit of accommodation. The proposed use of the garden room for such would represents

an intensification of residential use and overdevelopment of the site. The proposal conflicts with the requirements of Policy CS19 of the Gravesham Local Plan Core Strategy 2014 and the National Planning Policy Framework 2021.

INFORMATIVES:-

1 DRAWINGS AND DOCUMENTS

For the avoidance of doubt, the forms, plans and documents upon which this decision is made comprise:

- Application Form;
- Location Plan, drawing no. 1000;
- Existing Site Block Plan, drawing no. 1001;
- Existing Ground Floor Plan, drawing no. 1010
- Existing First Floor Plan, drawing no. 1011;
- Existing Loft Plan, drawing no. 1012;
- Existing Roof Plan, drawing no. 1013;
- Existing North and South Elevations, drawing no. 1030;
- Existing East and West Elevations, drawing no. 1031;
- Proposed Site Block Plan, drawing no. 1101;
- Proposed Ground Floor Plan, drawing no. 1110;
- Proposed First Floor Plan, drawing no. 1111;
- Proposed Second Floor Plan, drawing no. 1112;
- Proposed Roof Plan, drawing no. 1113;
- Proposed North and South Elevations, drawing no. 1130
- Proposed East and West Elevations, drawing no. 1131;
- Garden Building and Elevations, drawing no. 1140;
- Proposed Perspective Views, drawing no. 1150;
- Proposed Sections AA and BB, drawing no. 1120;
- Proposed Sections CC and DD, drawing no. 1121;
- Proposed Sections EE and FF, drawing no. 1122.

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) 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.

Dated: 5 December 2022

Civic Centre
Windmill Street
Gravesend
Kent
DA12 1AU

Wendy Lane MRTPI
Assistant Director (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.
- **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.