



Delegated Report

Householder Planning Application

Application No: 20230753

Location: 4 Lower Higham Road, Gravesend, Kent, DA12 2NG

Description: Create a driveway and a cross over.

Applicant: Mr Oladayo Ogunjobi, Tidalo Properties Limited

Site Visit:

Submitted Documents/Plans

- Application Form - dated 13 July 2023;
- Certificate B - dated 16 August 2023;
- Design and Access Statement;
- Drawing no. 31002-01 - Existing and Proposed Plans and Elevations;
- Drawing no. 001 - Site Access Visibility.

Relevant Planning History

Reference	Description	Decision	Decision Date
20221082	Create a driveway and a cross over	REFUSED	18.01.2023
19790075	Details of three detached dwellings and garages pursuant to outline permission GR77/835	APPROVAL OF DETAILS	22.05.1979
19770835	Outline application for the erection of three detached dwellings with garages	PERMITTED	19.04.1978

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

Gravesham Local Plan: First Review (1994)

- P3 - Vehicle Parking Standards
- T1 - Impact of Development on the Highway Network
- T5 - Access to the Identified Highway Network

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 9 - Promoting Sustainable Transport
- Section 12 - Achieving Well-Designed Places
- Section 15 - Conserving and Enhancing the Natural Environment

Supplementary Planning Guidance

- SPG 4 - KCC Parking Standards (2006)
- Householder Extensions/Alterations Design Guide (2021)

Other Supplementary Planning Guidance

- Department for Transport - Manual for Streets (2007)
- Kent County Council - Residential Dropped Kerb Guidance and Self-Assessment (2023)

Consultations, Publicity and Representations

External Consultees

Kent County Council Highways - I have the following comments to make with respect to highway matters:

There are a number of concerns with this application.

Firstly, the size of the parking space does not appear to comply with the minimum standard specified for a vehicle crossing to be approved by Kent Highways. The longer side is dimensioned as 5.149m but the shorter side is not dimensioned but scales from the submitted drawing as 4.3m which does not meet the KCC minimum standard of 4.8m. This is detailed in the advice note to be found online at https://www.kent.gov.uk/_data/assets/pdf_file/0003/139485/Dropped-Kerb-Application-Guidance.pdf.

As such the application for a dropped kerb would not be approved by KCC. The result of the shortfall is that a long vehicle is likely to overhang the footway and create an obstruction to pedestrians.

Secondly, the visibility splays of 2.0m x 30m are not appropriate for a busy road like Lower Higham Road where, without evidence to the contrary, traffic speed are likely to be at the speed limit of 30mph. The appropriate visibility splays of 2.4m x 43m should be provided to the nearside kerb line in both directions which appears is not available without crossing land no under the applicant's control.

I must therefore recommend refusal of the application as submitted for the following reasons:

1. The proposals do not provide adequate vehicle parking facilities within the site and this is likely to lead to vehicles being partly parked on the highway, to the detriment of highway safety.
2. The visibility available over land within the applicants and/or the highway authority's control is insufficient for the development proposed, to the detriment of highway safety.

Internal Consultees

GBC Highways Officer - I refer to my previous comments for application 20221082 dated the 1st December

2022.

“The applicant needs to demonstrate that a 43m x 2.4m x 43m vehicle visibility splay can be achieved at the point of access.”

The applicant has returned with a drawing that shows sight lines of 43m x 2m x 43m that cross land in third party ownership and so outside the control of the applicant or 30m x 2m x 30m which passes only over the highway.

Manual for Streets, which is accepted as undergoing revision but not yet published, is the guide that should be used when considering sight line requirements at junctions, which includes accesses. On page 92 paragraph 7.7.6 states,

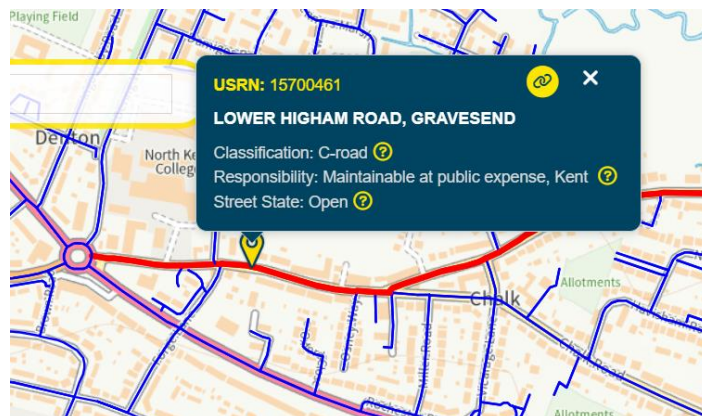
- 7.7.6 An X distance of 2.4 m should normally be used in most built-up situations, as this represents a reasonable maximum distance between the front of the car and the driver’s eye.

It is followed by paragraph 7.7.7:

- 7.7.7 A minimum figure of 2 m may be considered in some very lightly-trafficked and slow-speed situations, but using this value will mean that the front of some vehicles will protrude slightly into the running carriageway of the major arm. The ability of drivers and cyclists to see this overhang from a reasonable distance, and to manoeuvre around it without undue difficulty, should be considered.

The ‘X’ distance is the distance measured from the edge of highway along the centre line of the driveway and gives an approximation of where a driver may be expected to be seated when exiting the drive, (assuming that the vehicle has been reversed onto the driveway)

Lower Higham Road is a ‘C’ classified road and forms part of a bus route and in close proximity to the property also serves the North Kent College. Lower Higham Road also serves as a direct link with Lower Higham and its commercial premises.



Chalk Road and Lower Higham Road also form a rat run for drivers wishing to avoid the queues on the A226 at the nearby roundabout during the morning peak. Therefore, whilst at times it may appear that Lower Higham Road may be lightly trafficked this is not always the case and the use of 2m for an ‘X’ distance is considered inappropriate.

With regards to the ‘Y’ distance the distance measured along the nearside drive from the centre of the driveway. Manual for Streets suggests that 43 metres is appropriate for a 30mph road, although it may be possible to review this, if a speed survey over several days is available. As the 43 metre sight line crosses land outside the applicants control, it is impossible to control and is obstructed by a boundary fence and plants looking at the Google Street View Images of November 2022



So, these cannot be provided without a planning legal agreement with the neighbours to secure the sight lines in perpetuity, something that whilst not impossible is unlikely.

With regards to the 30 metre option, this is only suitable for a speed of approximately 20mph, which requires 25 metres, the next speed in the table is 25mph and this requires a sight line of 33 metres. But is also fails because the 'X' distance is insufficient.

Table 7.1 Derived SSDs for streets (figures rounded).

Speed	Kilometres per hour	16	20	24	25	30	32	40	45	48	50	60
	Miles per hour	10	12	15	16	19	20	25	28	30	31	37
SSD (metres)		9	12	15	16	20	22	31	36	40	43	56
SSD adjusted for bonnet length. See 7.6.4		11	14	17	18	23	25	33	39	43	45	59
Additional features will be needed to achieve low speeds												

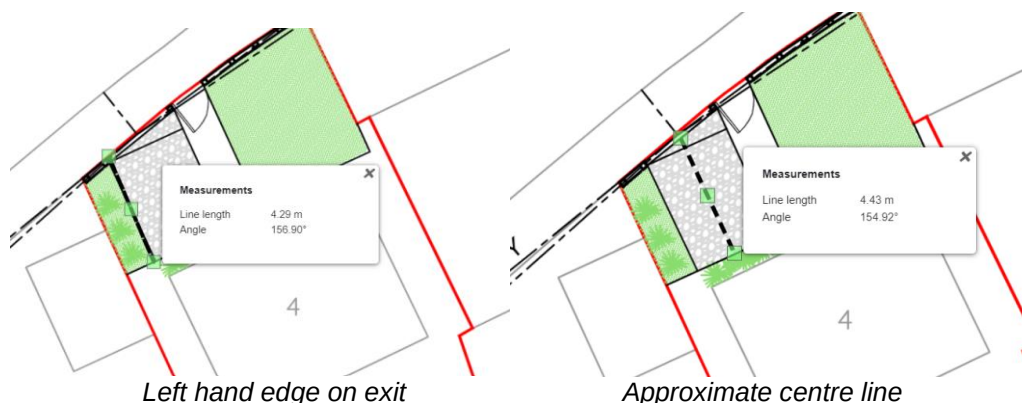
Manual for Streets 2007

It should also be noted that Kent County Council the highway authority issued Interim Guidance Note 2 "Visibility" in October 2008 and this was based on Manual for Streets

https://www.kent.gov.uk/_data/assets/pdf_file/0018/15534/Supplementary-guidance-visibility.pdf

In addition, 2m x 2m pedestrian visibility splays should be provided either side of the access, this would not appear to be possible on the left side of the of the driveway as you exit.

Finally, the drive at some 4.3 metres at its shortest is substandard and does not comply to the preferred vehicle parking space of 5 metres x 2.5m. It also falls short of the more nationally recognised 4.8 metres for a parking space, which I would consider to be the absolute minimum acceptable.



It is noted that some cars may be shorter than others, but there is no guarantee that future occupants of the

property will use such vehicles and may possess something larger that overhangs the highway, and in any event Kent County Council are unlikely to agree to construct a carriage crossover.

For the reasons given above I can only recommend refusal.

Local Ward Councillors - No comment received.

Neighbouring properties

A notice was displayed on site.

In addition, four surrounding properties were consulted and one objection was received. The objector questioned the need for the development given that the property benefits from an off street parking space and garage at the rear.

The consultation period expired 3rd November 2023.

Preliminary Matters

This application follows a similar proposal seeking to form a vehicular crossover and driveway in the front garden. This application was refused by the Local Planning Authority on the following ground:

- 1. The proposed driveway and new access represent a risk to pedestrian and vehicular safety by virtue of unacceptable visibility splays. Therefore, the proposal is contrary to Policy CS11 of Gravesham's Local Plan Core Strategy (2014), saved policy T5 of Gravesham's Local Plan First Review (1994), SPG 6: Planning Policy for Vehicular Accesses to Classified Highways (2009), Kent County Council vehicle crossing guidance (2022), as well as Section 9 of the National Planning Policy Framework (2021).*

In order to receive approval, this application must overcome the previous grounds for refusal.

Officer's Analysis

Site Description

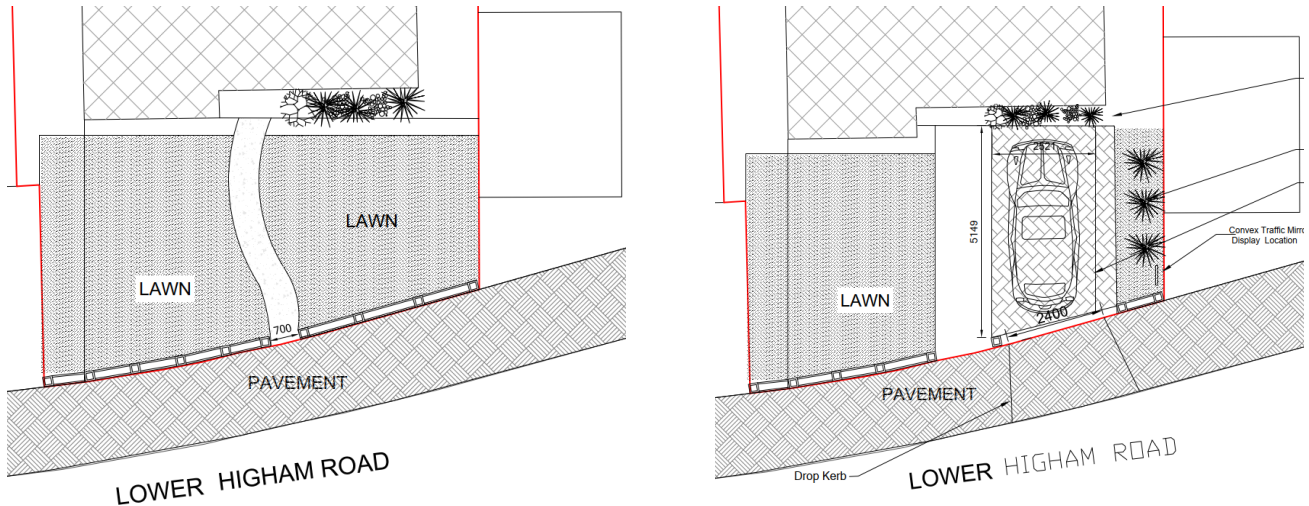
4 Lower Higham Road is a two storey detached property located on the southern side of the highway. The property is located towards the eastern edge of the Gravesend urban area. The front garden of the property is a lawn, with planting in front of the house and a decorative front boundary wall.



Lower Higham Road is a classified 'schedule 2' highway.

Proposed Development

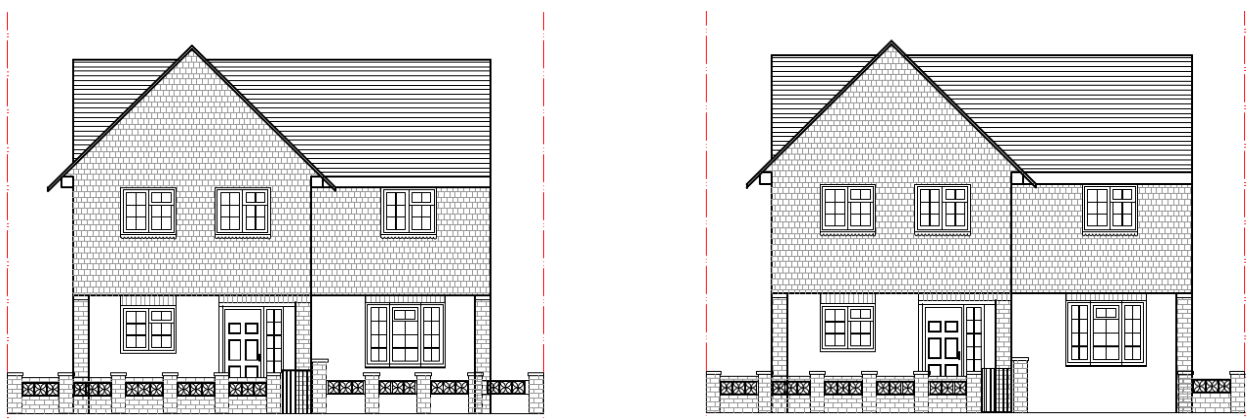
This application proposes the formation of a vehicular driveway on the frontage. The driveway will have space for one vehicle, with the remaining front garden retained as soft landscaping. To accommodate the vehicle a section of the front boundary wall would be removed.



Design, Character and Appearance

Policy CS19 (Development and Design Principles) of Gravesham's Local Plan Core Strategy (2014) states that new development will be visually attractive, fit for purpose and locally distinctive. It also seeks to conserve and enhance the character of the local built, historic and natural environment and integrate well with the surrounding local area, whilst ensuring that the design, layout and form of new development will be derived from a robust analysis of local context and character and make a positive contribution to the street scene, the quality of the public realm and the character of the area.

The proposed development will not significantly alter the appearance of the property's frontage. The existing pedestrian access will be retained and a section of the low-level boundary wall removed for the vehicular access (as shown in the comparison screenshots below):



With the exception of the driveway and straightening of the pedestrian access, the remaining front garden of the property will be retained as soft landscaping, which along with the retention of the front boundary wall will reduce the impact of the development on the street scene.

Overall, the development is in accordance with Policy CS19 (LPCS) and Section 12 of the National Planning Policy Framework (NPPF) (2023).

Amenity of Future Occupiers

There will be no impact on the amenity of future occupiers as a result of this development. As such, it is in accordance with Policy CS19 (LPCS) and Section 12 of the NPPF (2023).

Neighbouring Amenity

The development will have no impact on the amenity of surrounding properties. As such, it is in accordance with Policy CS19 (LPCS) and Section 12 NPPF (2023).

Parking and Highways

As aforementioned in this report, Lower Higham Road is a Schedule 2 highway and is a local distributor road. Highway guidance (Householder Extensions/Alterations Design Guide) must meet certain standards such as satisfactory sightlines and visibility splays, in addition to the dimensional requirements and acceptable drainage.

The proposed driveway will be constructed using block paving which is porous and would allow for appropriate surface water drainage. However, there are concerns with the visibility splays and the size of the parking space provided.

GBCs Highways Officer and Kent County Council Highways have both objected to the development, on grounds of substandard and unacceptable visibility splays, as well as undersized parking space.

The driveway would have a width of 2.5m, which is acceptable, but would have a minimum depth of 4.75m, which falls below the minimum requirement of 5m set out in Gravesham's adopted parking standards (SPG4) (2006) and the dimensions set out in Gravesham's Design Guidance SPD (2021). Therefore, the driveway is substandard and would lead to a vehicle overhanging onto the footway.

In terms of visibility, the application is supported by an annotated plan with visibility splays. Kent County Council's Dropped Kerb Guidance (2023) and Department for Transport's Manual for Streets (2007) set out minimum visibility requirements for vehicular accesses, with the pedestrian requirement being a splay of at least 2m x 2m with a maximum height of 0.6m from the back of footway. While the vehicular visibility splay required for a 30mph road are 43m in both directions, set back by 2.4m from the back edge of the footway. Although the plan provided attempts to demonstrate compliance with visibility requirements, the vehicular visibility splays cross over land outside of the applicants ownership and are obstructed by a fence on the western side, and therefore the access would be unsafe and increase the risk of vehicular collisions. Moreover, the pedestrian visibility splay on the western edge would have a maximum width of 1.15m before meeting the fence and would not achieve the 2m x 2m splay required, therefore the driveway would present a risk to pedestrian safety.

As such, by virtue of substandard parking space and unacceptable pedestrian and vehicular visibility splays, the proposed driveway represents a risk to pedestrian and highway safety and would lead to vehicles overhanging the footway. Therefore, the proposal is contrary to Kent County Council's Dropped Kerb Guidance (2023), Manual for Streets (2007) and Gravesham's Householder Extensions/Alterations Design Guidance (2021) and represents a risk to highway safety contrary to Policy CS11 (LPCS), saved policies T1 and T5 of Gravesham's Local Plan First Review (1994), as well as Section 9 of the National Planning Policy Framework (2023).

Any Other Material Planning Considerations

Impact on Biodiversity - any development should result in a net gain of biodiversity to accord with Section 15 of the NPPF. The proposed development will reduce the soft landscaping, by forming the hardstanding for vehicular parking. Although this represents a loss of biodiversity it is a minimal loss of biodiversity and not sufficient grounds to refuse the application.

Conclusion

The application has been fully considered and has failed to overcome the previous ground of refusal attached to ref. 20221082, and is therefore contrary to local and national planning policy. As such, the previous ground of refusal remains relevant and will be adapted to include the substandard driveway dimensions.

- 1. The proposed driveway is substandard, and the new access represents a risk to pedestrian and vehicular safety by virtue of vehicles overhanging the footway and unacceptable visibility splays, contrary to guidance set out in Kent County Council Dropped Kerb Guidance (2023), Manual for Streets (2007) and Gravesham's Householder Extensions/Alterations Design Guide (2021). Therefore, the proposal is contrary to Policy CS11 of Gravesham's Local Plan Core Strategy (2014), saved policies T1 and T5 of Gravesham's Local Plan First Review (1994), as well as Section 9 of the National Planning Policy Framework (2023).*

Recommendation

Refusal

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

Case Officer:	Mr Ethan Bonthron	Team Leader:	Richard Hart
Signed:		Signed:	<i>R Hart</i>
Dated:	29 th November 2023	Dated:	30th November 2023