



Delegated Report

Householder Planning Application

Planning Application No: 20240752

Location: 119 Landseer Avenue Northfleet Gravesend Kent

Description: Dropped kerb and hardstanding to provide off-road accessible parking.

Applicant: Mr Adam Charlick

Site Visit Date: 4th November 2024

Submitted Documents/Plans

Application form;
Drawing No.(02)001 – Existing Layout
Drawing No.(02)002 – Existing Block and Location Plan
Drawing No.(07)001 – Proposed Layout
Drawing No.(07)002 – Proposed Block and Location Plan

Relevant Planning History

Reference	Description	Decision	Decision Date
20240332	Application for a Lawful Development Certificate in respect of permeable hardstand and vehicular cross over.	Refused	12.06.2024

Development Plan

Gravesham Local Plan Core Strategy (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
- T5 – New accesses onto 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 12 – Achieving Well-Designed and Beautiful Places

Supplementary Planning Guidance

- SPG2 - Residential Layout Guidelines (2020)
- SPG4 - KCC Parking Standards (2006)
- Householder Extensions/ Alterations Design Guide (2021)
- Design for Gravesham (2024)

Other Relevant Guidance

- Kent County Council Dropped Kerb Guidance and Self-Assessment (2023)
- Gravesham Driveway Dropped Kerb Guidance (Informal Guidance) (2023)
- Gravesham Front Driveway Design Guidance (Informal Guidance) (2023)

Consultations, Publicity and Representations

Neighbouring properties

2 surrounding properties were consulted and a site notice was also displayed on site. The overall expiry date for comment was 11th October 2024 with one comment being received.

- If permission is granted sufficient visibility splays should be conditioned as this is a busy road.

Officer's Analysis

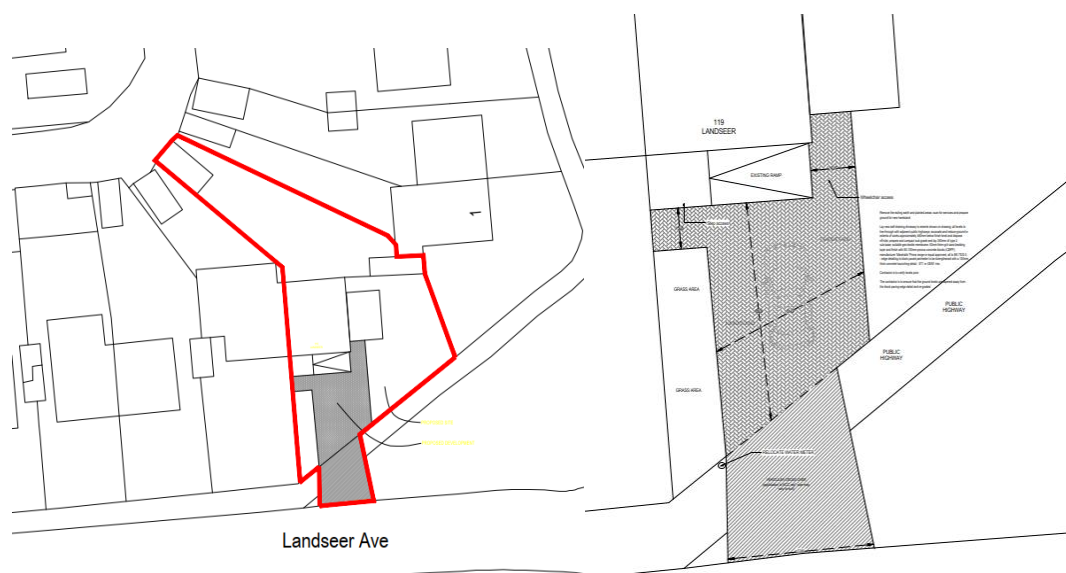
Design, Character and Appearance

Paragraph 135 of the NPPF (2023) seeks to ensure that development will add to the quality of an area, be visually attractive, and sympathetic to local character and history. Policy CS19 of the Core Strategy 2014 reflects these aims and requires that new development is well designed and respects the character and appearance of the surrounding area. This policy is expanded upon by the Borough's Design Code, Design for Gravesham.

The application site is a semi-detached two storey dwelling which is not on a classified Road. However, as the driveway would cross over 3rd party land (grass verge) planning permission is required. As shown below only a small portion of the grass verge is impacted. There are no other properties abutting the grass verge so no danger of further erosion of this grass verge would occur. The below plans and photos demonstrate how the majority of the grass verge will not be adversely affected by this development;



Proposed Plans



The introduction of hardstanding in the front garden of this property will not result in a harsh urban environment with a large area of soft landscaping remaining to the front. As such the development will be not be detrimental to the visual amenity of the street scene and character of the host dwelling. Therefore, the proposed development is complies with Policy CS19 (Development and Design Principles) of the Gravesham Local Plan Core Strategy (2014), as well as Section 12 of the National Planning Policy Framework (NPPF) (2023), Design for Gravesham (2024) and Householder Extensions/ Alterations Design Guide (2021)

Amenity of Future Occupiers and Neighbouring Properties

The proposal will not have an adverse impact on the amenity of existing or future occupiers or the amenity of adjacent properties. The proposed development is in accordance with Policy CS19 (LPCS) and Section 12 (NPPF) (2023).

Parking and Highways

Paragraph 115 of the NPPF (2024) indicates that development relating to highway matters should only be prevented or refused if there would be an unacceptable impact on highway safety. The NPPF at paragraph 116 goes on to state that applications for development should, amongst other things, create places that are safe, secure and attractive which minimise the scope for conflicts between pedestrians, cyclists and

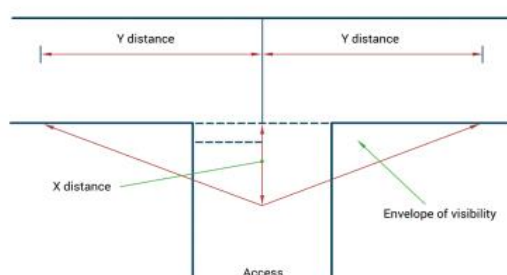
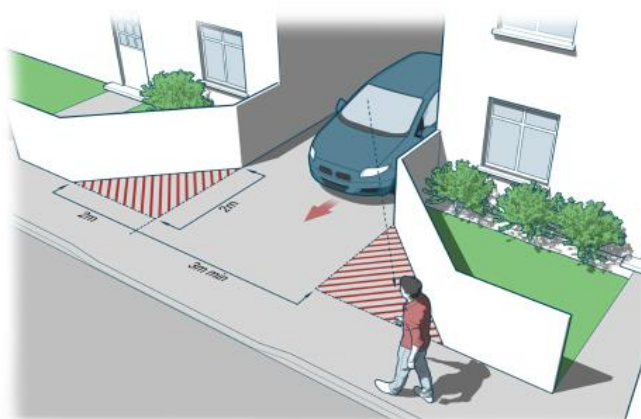
vehicles.

With this proposal sufficient pedestrian visibility splay can be provided on site and adequately conditioned and there is no danger arising in regards to highway safety (Landseer Avenue is not a classified Road).

The application looks to retain the soft landscaping to both side boundaries.

Pedestrian visibility splays of 2m x 2m are required either side of the driveway, with no hard or soft landscaping or boundary treatment over 600mm:

Visibility Splay



Therefore, the decision will be conditioned to ensure that any soft landscaping within the 2.00m pedestrian visibility splays do not exceed 600mm in height in accordance with highway safety.

As such, there are no parking and highways concerns in relation to the application.

Equalities Considerations

The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

In summary, the Council must, in the exercise of its function, have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- advance equality of opportunity between people who share a protected characteristic and those who do not;
- foster good relations between people who share a protected characteristic and persons who do not share it.

The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the decision maker, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.

The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value

The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:

- The essential guide to the public sector equality duty
- Meeting the equality duty in policy and decision-making
- Engagement and the equality duty
- Equality objectives and the equality duty
- Equality information and the equality duty

The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice.

The proposed provision of a hardstanding driveway and dropped kerb to allow easy access for the applicants has been fully considered in making this recommendation.

Human Rights Implications

In determining this application, the Council is required to have regard to the provisions of the Human Rights Act 1998. Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. “Convention” here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant including:

- Article 8: Respect for your private and family life, home and correspondence
- Protocol 1, Article 1: Right to peaceful enjoyment of your property

Along with any supporting material supplied by the applicant, this report has outlined the consultation that has been undertaken on the planning application and representations made to the Council as Local Planning Authority.

In determining the application, the Council needs to satisfy itself that the potential adverse amenity impacts are acceptable and that any potential interference with the above Convention Rights are legitimate and justified. Both public and private interests are to be considered in the exercise of the Local Planning Authority’s powers and duties. Any interference with a Convention right must be necessary and proportionate. The Council must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

In making the recommendation on this application, consideration has been given to the requirements of the Human Rights Act. Where it is engaged, any interference in those rights is considered proportionate, lawful and in the public interest to secure the proper planning of the area in accordance with adopted policy, having regard to any other material considerations.

Conclusion

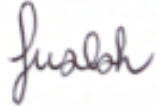
The vehicular access and associated hardstanding area is acceptable. The development is considered to protect the amenity of future occupiers and neighbours, and provides adequate parking provision.

The application has been fully considered and is in accordance with local and national planning policy.

Recommendation

Permission.

(For detailed conditions and informatives, see draft Decision)

Case Officer:	Richard Hart	Team Leader:	Mrs Faye Walsh
Signed:	<i>R Hart</i>	Signed:	
Dated:	4th November 2024	Dated:	04 November 2024