
SUMMARY REPORT

Application Ref:	20240530
Site Address:	Crantock House 22A Old Road East Gravesend Kent
Application Description:	Provision of a hardstand driveway and a dropped kerb to create space for 1 car parking.
Applicant:	Mr & Mrs Kainth
Agent:	Dream Design Develop Ltd
Ward:	Whitehill And Windmill Hill
Parish:	Non-Parish Area
Decision due date:	2 September 2024
Publicity expiry date:	30 th September 2024
Decision Level:	Committee Decision
Reason for referral:	Councillor Call In
Recommendation:	Refusal

Summary of Reasons for Recommendations

The proposal is for the creation of a vehicle access and hard standing to provide 1 parking space in the front garden of Crantock House.

It is considered that introduction of hardstanding and associated engineering operations will introduce a harsh urban development which will be harmful to the character of the existing dwelling and wider area.

The land to the west is outside the control of the applicant and it is not possible for the applicant to achieve acceptable visibility splays. Furthermore, the lack of turning facility on site would mean that reversing into the drive or out of the drive, would lead to vehicles slowing, stopping and turning off the busy road. This would be detrimental to the free flow of traffic along Old Road East, and would be hazardous to other highway users already driving along Old Road East and pedestrians using the footway.

The proposal would be contrary to the Development Plan and material (planning) considerations. Therefore the recommendation is for refusal of planning permission on highway safety grounds and adverse impact on the character of the area.

MAIN REPORT

1. Site Description and Surroundings

- 1.1. The application site is Crantock House, 22A Old Road East, Gravesend which is within the urban boundary of Gravesend as defined by the Local Plan Core

Strategy.

- 1.2. The dwelling is a two-storey detached property set lower than Old Road East. The property dates from the 1950's and is situated on the south side of Old Road East with the junction of Spring Grove to the northwest of the application site.
- 1.3. The front boundary to the property previously comprised of a low-level brick wall with the front garden comprising of a laid to lawn and mature soft landscaping. A pedestrian gate provides access to the front of the property.
- 1.4. The below image shows the front of Crantock House, Gravesend in May 2018 (Google Street View), prior to the recent works that have been undertaken.



- 1.5. The property to the east has a small front boundary wall and mature planting within the front garden and to the east is a detached property which is set forward of the application site.
- 1.6. Old Road East has parking restrictions being a mix of single and double yellow lines as shown below:



The majority of the surrounding properties are a mixture of two and three storey detached, semi-detached and terraced dwellings. Directly opposite Crantock House is Milton Court, a six storey residential development. Due to the location of Crantock House within an urban area, the principle of alterations to a residential property is acceptable providing it accords with the Development Plan, and material planning considerations

- 1.7. Parking for the majority of the dwellings is to the rear with some properties having driveways to the front, although these driveways are historic with no records existing that they were granted planning permission.

Procedural Issues

- 1.8. The application has been determined in accordance with the above submitted documents/plans and Paragraph 38 of the National Planning Policy Framework (NPPF) (2023) sets out adopting a positive and proactive approach to development proposals. In this case, prior to this application being submitted the applicant did not engage with the Local Planning Authority with a formal pre-application enquiry regarding the current design.
- 1.9. As discussed further in this report there is a principal objection to the proposed development, and it would not be possible to negotiate with the applicant to overcome the conflict with local and national policy.
- 1.10. Therefore, a decision issued would give the applicant a formal stance from the Local Planning Authority on its position with this application. In this instance an extension of time would not be appropriate to address the above issues and there is a strong reality that even with an extension of time with the application, the applicant could not overcome the fundamental conflict with local and national planning policy.
- 1.11. No further information is considered necessary to be submitted or clarified

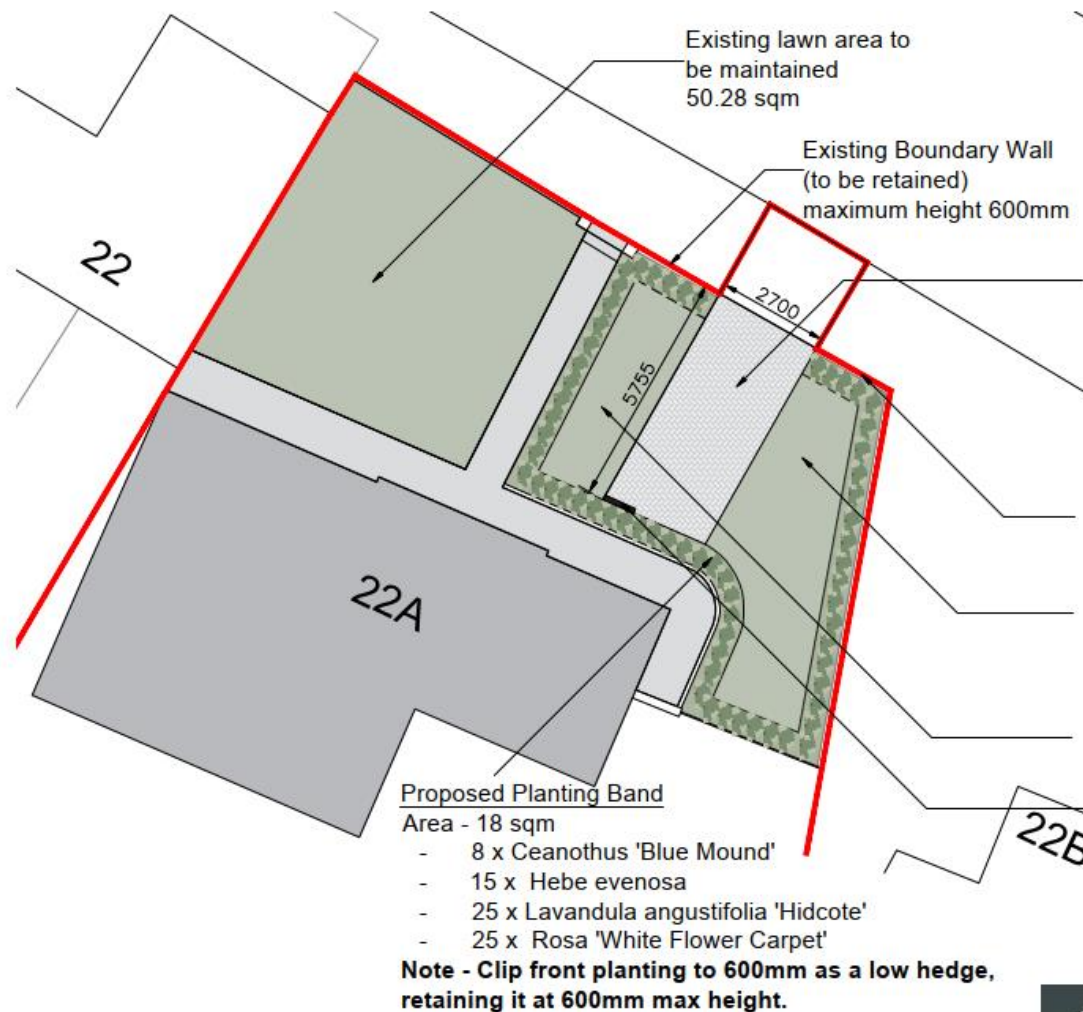
by the applicant in order for Members to determine this application.

2. Planning History

Reference	Description	Outcome	Decision Date
20230319	Provision of a hardstand driveway, dropped kerb and concrete ramp to allow easy access for disability use.	Refused	14.06.2023
20221317	Provision of a hardstand block paving driveway, dropped kerb and concrete ramp to allow easy access for disability use.	Refused	22.02.2023
19920177	Erection of rear extension at first floor to form bedroom and ensuite bathroom and formation of a vehicular access onto a classified road.	Refused & Appeal Dismissed	04.03.1993

3. Proposal

- 3.1. This current application is for the creation of a vehicle access and hard standing to the front of the property, to make provision for the parking of a single vehicle. The proposed access/crossover would measure approx. 2.7m wide and 2.5m in depth. The submitted plans show that the hardstanding would measure 2.7m wide and 5.75 m in depth to the front bay of the property and would be constructed of using permeable blocks. The proposed car parking space does not include direct access from the car parking space to the front door. To access the dwelling from the car parking space, all individuals vacating the space to visit the property would be required to exit the vehicle, walk to the highway, walk a short length of the pavement, re-enter the site via the existing pedestrian access to the property, and walk to the front door. Any individual unable to walk unaided, would also have to follow this route using their walking aid, wheelchair, and/or mobility scooter.
- 3.2. The proposal includes improvements to the current landscaping of the front garden, with additional soft planting on the sides to contribute towards biodiversity. It should be noted however, that prior to works to lay hardstanding during 2024 taking place, the front garden consisted of soft planting and lawned areas. Therefore the proposed landscaping would not provide an overall gain from the biodiversity lost at the site, based on what was originally existed.
- 3.3. The below plan shows the proposed development.



3.4. The application is not accompanied by any statement setting out that material considerations outweigh the requirements of the development and should be afforded more weight than other material considerations. For example whilst photos of a blue badge and letters of 'support' from a GP have provided, they do not provide any planning justification as to why the applicants personal circumstances should be afforded significant weight, allowing a development contrary to the requirements of the Development Plan and material considerations, such as Manual for the Streets and Design or Gravesham.

4. Planning Policy, Development Plan and other Material Considerations

Gravesham Local Plan Core Strategy (September 2014)

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS11 – Transport
- CS12 – Green Infrastructure
- CS18 – Climate Change
- CS19 – Design & Development Principles

4.1. 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.

- 4.2. 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, the Council will also seek to replace these.

Other material considerations

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

- T1 – Impact of development on the highway network
- T5 – New accesses onto highway network
- P3 – Vehicle Parking Standards

National Planning Policy Framework (2023)

- Section 2 – Achieving Sustainable Development
- Section 12 – Achieving sustainable development and well-designed places
- Section 15 – Conserving and enhancing the natural environment

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)

5. Consultations and Publicity Responses

Consultations

5.1. KCC Highways (26th September 2024)

Further to my previous consultation response dated 12th September 2024 and our recent discussions, I now understand that the required visibility splay is obstructed to the west by land outside the control of the applicant.

I therefore now recommend that this application be refused on highway grounds for the following reason(s):-

1 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.

5.2. KCC Highways (26th September 2024) – Superseded as set out above

~~It would appear that the parking space and access have been modified since the previous application which was refused. It now complies with the relevant highway requirements.~~

I therefore confirm that provided the following requirements are secured by condition or planning obligation, then I would raise no objection on behalf of the local highway authority:-

~~1 Provision and maintenance of 43 metres x 2.4 metres x 43 metres visibility splays at the access with no obstructions over 1.05 metres above carriageway level within the splays, prior to use of the site commencing.~~

~~2 Provision and maintenance of 2.0 metres x 2.0 metres pedestrian visibility splays behind the footway on both sides of the access with no obstructions over 0.6m above footway level, prior to the use of the site commencing.~~

5.3. Neighbouring properties

The application was advertised by way of letters to two surrounding properties. The consultation period expired on 18th July 2024

No comments received.

5.4. Local Ward Councillors

No comments received.

6. Planning Analysis and Head of Planning Comments

Background

6.1. The application property has had two previous refusals for driveways on the site which are as follows:

6.2. Application reference 20230319 was refused on 14.06.2023 due to:

1. *The introduction of hardstanding and subsequent alterations of the land levels in front of the application site will introduce urban development in place of soft landscaping which contributes positively to the locality and as such the proposed development is detrimental to the visual amenity of the street scene and character of the host dwelling. Therefore, the proposed development is contrary to 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) (2021) achieving well-designed places.*
2. *The proposed vehicular access and front garden hardstanding would pose a significant highway hazard on highway and pedestrian safety and the free flow of traffic on this busy road and which is a district distributor route. Highway and pedestrian visibility splays to the proposed access have not been correctly shown on the submitted drawings. As such the proposal would be contrary to Policy CS11 (Transport) of the Gravesham Local Plan Core Strategy, September 2014, saved Policy T5 (New Accesses onto Highway Network) of the Gravesham 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 and Paragraphs 111 and 112 of section 9 of the National Planning Policy Framework 2021.*

6.3. Application reference 20221317 was refused on 22.02.2023 due to:

1. *The proposed development will have an urbanising effect by virtue of removing the*

boundary wall and soft landscaping to form the hardstanding. The plans fail to demonstrate adequate retention of biodiversity Which would reduce the harsh impact of a hard-paved driveway and therefore the proposal is considered to be detrimental to the visual amenity of the street scene. Therefore, the proposed development is contrary to Policies CS12 (Green Infrastructure) and 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) (2021) achieving well-designed places.

2. The proposed vehicular access and front garden hardstanding would have a detrimental impact on highway and pedestrian safety and the free flow of traffic on this busy road and which is a district distributor route. There would be insufficient width available within the parking area to enable vehicles to turn within the curtilage of 22A Old Road East and thereby be able to enter and leave in a forward direction which would lead to vehicles dangerously reversing to or from the site, potentially between parked vehicles into oncoming traffic. In addition, highway and pedestrian visibility splays to the proposed access have not been indicated on the submitted drawings. As such the proposal would be contrary to Policy CS11 (Transport) of the Gravesham Local Plan Core Strategy, September 2014, saved Policy T5 (New Accesses onto Highway Network) of the Gravesham 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 and Paragraphs 111 and 112 of section 9 of the National Planning Policy Framework 2021.

- 6.4. The photographs that follow shows the condition of the site at present. The hard standing was introduced by the applicants earlier in 2024, and the front wall demolished. Following engagement with the Local Planning Authority, the boundary wall was reinstated to ensure that the applicants did not utilise the front garden for off road parking from a classified highway.



Principle

- 6.5. The key issues to be considered relate to design and highways considerations, including if the proposed vehicular access would cause harm to highway safety and therefore whether the access would comply with the Borough Council's adopted policy and guidance.

Character and Appearance

- 6.6. 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.

- 6.7. The application site is a detached house in use as a single-family dwelling. The dwelling is set back from the edge of the footpath by approx. 7.6m. Old Road East slopes down to the south and down to the west and so the property is positioned on a lower ground level than the highway. The front garden is set behind a dwarf wall with a small pathway leading to the front door and side access way. The rest of the garden is soft landscaped. The engineering works undertaken to the front garden, without the benefit of planning permission could be reverted, subject to the resolution of Planning Committee and the consideration of the Council's Planning Enforcement Strategy.
- 6.8. Old Road East is a classified road (B261), the application property is positioned behind its neighbour to the west and slightly in front of the neighbour to the east. The application property is unique in comparison to its immediate neighbours as it is positioned on significantly lower ground and is partially obscured due to it being at a lower level than the road. Whilst some of the properties within the road benefit from off road parking, they are historic arrangements. Whilst present on some of the plots, these arrangements do not set a precedent as they did not benefit from planning permission. The proposed hardstanding would result in the removal of the front wall, and the formation of a paved hardstanding and associated hardstanding.
- 6.9. The reduction of soft landscaping will add to the urbanisation of the streetscape, creating additional visual harm. Such development results in a harsh developed appearance and results in a car dominated area which diminishes the positivity which soft landscaping provides.
- 6.10. Furthermore, the levelling of the garden will result in a raised section of hardstanding. It is accepted that the application property is set below the highway and so its visibility is already obscured to some degree, however the increased height of the hardstanding will harm the visual presence of the attractive frontage within the streetscene, masking it with a harsh hardstanding and parked cars.
- 6.11. As the below photos show, the parking of a vehicle on the frontage is considered detrimental to the character of the area which contradicts the aims of the recently adopted Design Code (Design for Gravesham 2024).

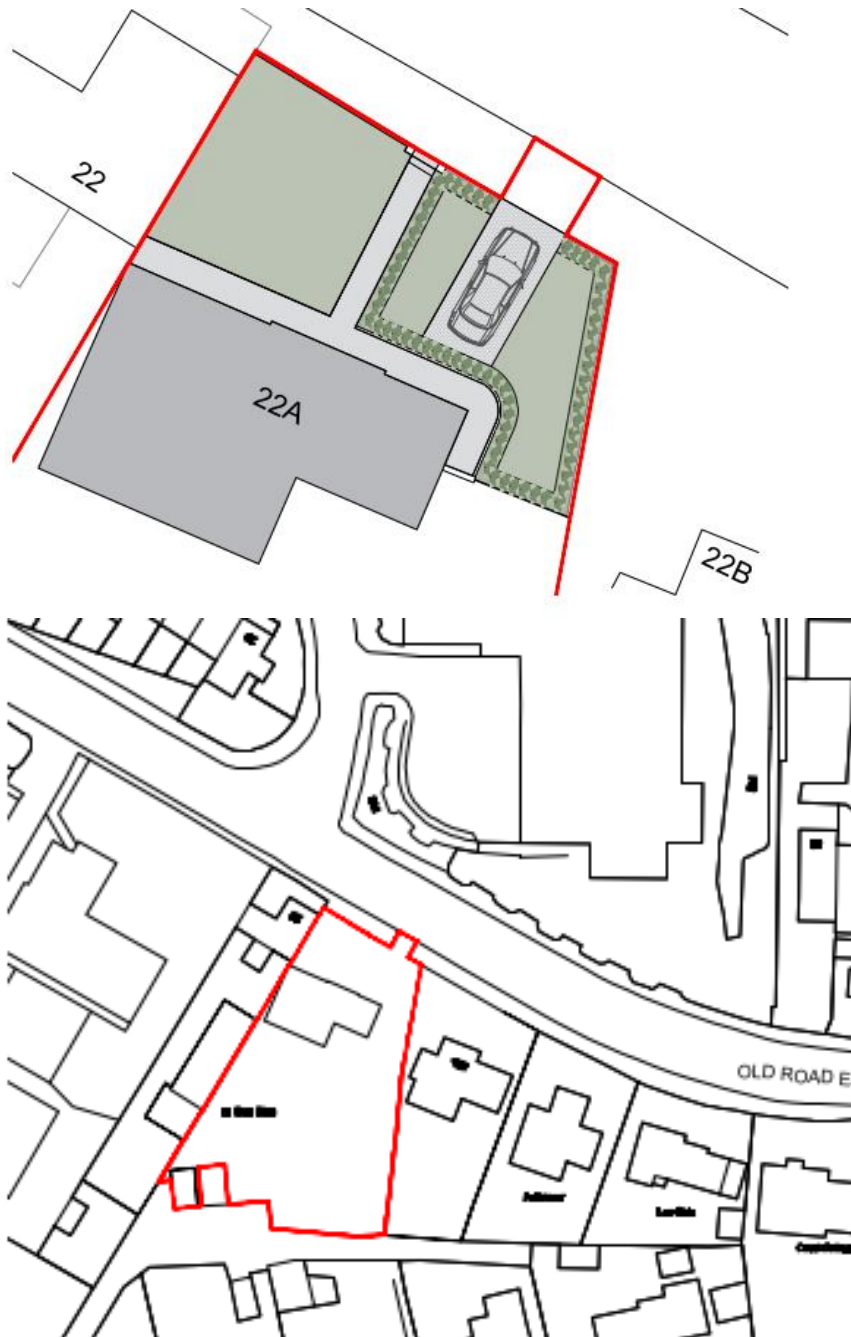


Source: Planning Enforcement, prior to rebuilding of dwarf front wall

- 6.12. An earlier application on the site (ref: 199220177) included the formation of a cross over which was refused, and dismissed at appeal.

6.13. As set out previously in this report, two planning applications have already been refused in recent years for the provision of hardstanding and a dropped kerb to allow provision for car parking at this property

6.14. The plans below illustrates the location of the proposed dropped kerb and hardstanding for parking being considering by the committee.



6.15. The current proposal is similar to the previously refused applications insofar as it results in the creation of hardstanding in the front garden for the provision of a car parking space, as well as the provision of a dropped kerb to access the car parking space from Old Road East. The key differences between the refused applications and the proposal currently under consideration, relates to the positioning of the dropped kerb and hardstanding, as well as the extent of the

dropped kerb and hardstanding.

- 6.16. As the current proposal is similar to the previously refused applications, it will be necessary to determine whether the previous reasons for refusal have been adequately addressed. It should be noted that the application property is located on a B Classified road and on an incline, which means that the engineering works to create a driveway would require planning permission.
- 6.17. The current front garden is set behind a dwarf wall with a small pathway leading to the front door and side access way. During an officer site visit in April 2023, it was evident that there had been alterations to the land levels since a previous site visit which took place in February 2023.
- 6.18. As set out earlier, works were undertaken in 2024 to create car parking space(s) within the front garden of Crantock House, with the front dwarf wall being demolished to provide an access off of Old Road West. Due to highway safety concerns, the Council in it's role as the Local Planning Authority, engaged with the owners and had the unauthorised access stopped up via the reinstatement of the dwarf wall.

Below Image from June 2024



- 6.19. The current proposal seeks to demolish some of the reinstated boundary wall to facilitate parking for a car and reinstate some of the soft landscaping which was lost to the unauthorised works. No ramps are proposed to allow for direct access to the property from the car parking space. The proposal submitted to the Local Planning Authority for determination, results in any individual using the car parking space, having to vacate the site and re-enter the site to access the property from the highway (pedestrian access via Old Road East).



Below is an extract from the delegated officer report for 20221317:

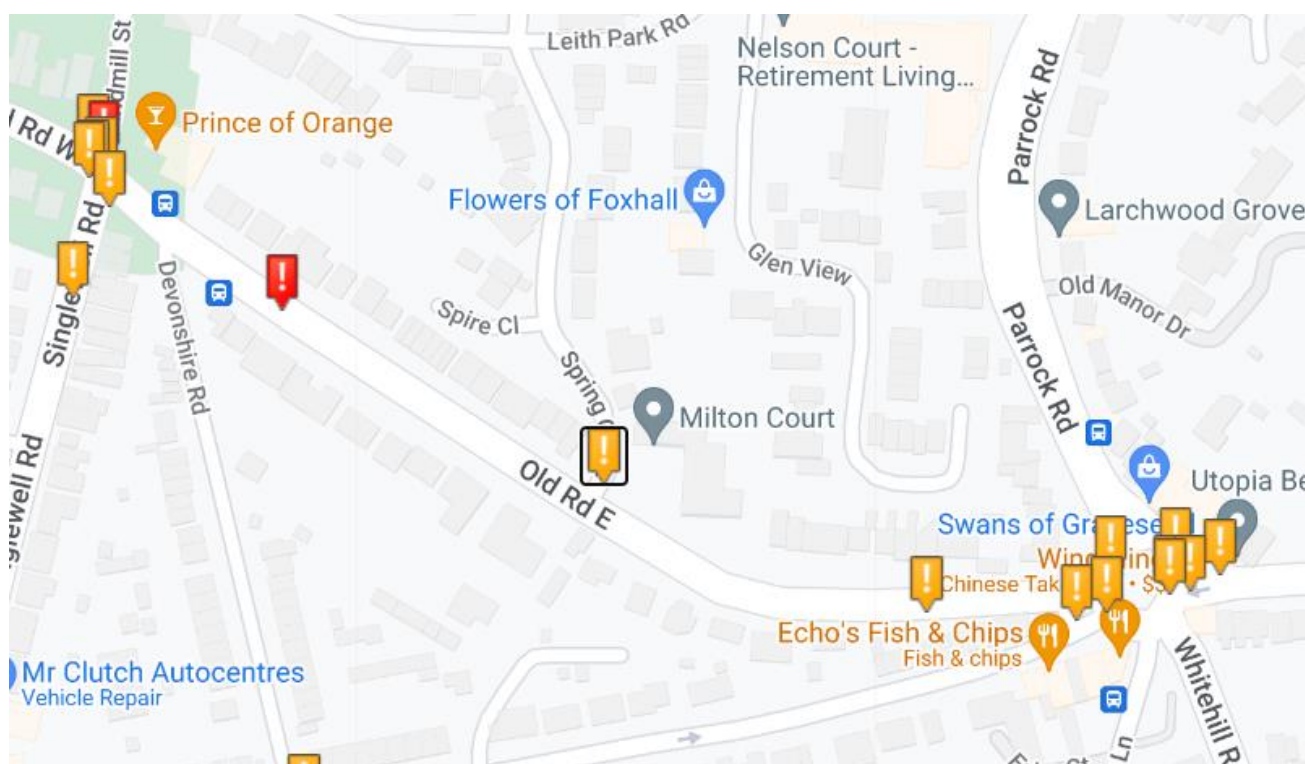
- 6.20. *“Furthermore the levelling of the garden will result in a raised section of hardstanding. It is accepted that the application property is set below the highway and so its visibility is already slightly obscured, however the increased height of the hardstanding will hide a vast amount of the ground floor level attractive frontage and replace it with a harsh hardstanding and parked cars.”*
- 6.21. The property is an attractive addition to Old Road East and largely maintains its original character. Whilst the proposal still results in engineering operations, the introduction of any parking on the frontage will inevitably obscure views of the property. This would be harmful to the character and appearance of the host dwelling as it will be replaced with views of a parked vehicle. It should be noted that this will always be the case in any forthcoming proposals and as such the principle of development will always be unacceptable.
- 6.22. The introduction of hardstanding and associated engineering operations in front of the application site will introduce a harsh urban development which will obscure the character and appearance of the dwelling and as such the proposed development is detrimental to the visual amenity of the street scene and character of the host dwelling. Therefore, the proposed development is contrary to 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) achieving well-designed places, Design for Gravesham (2024) and Householder Extensions/ Alterations Design Guide (2021)

Parking and Highways

- 6.23. 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.

- 6.24. Policy CS11 (Transport) of the Gravesham Local Plan Core Strategy September 2014 sets out that new developments should mitigate their impact on the highway. Saved Policy T5 of the Gravesham Local Plan First Review November 1994 indicates that the formation of new accesses to classified roads will not normally be permitted **except where no danger would arise**.
- 6.25. With this application, visibility splays are a key consideration for this proposal. Visibility splays ensure that drivers emerge from an access in a safe manner, ensuring that they can be seen by drivers proceeding along the road. Sufficient splays for accesses onto the highway are vital to prevent accidents.
- 6.26. With regards to accidents in the vicinity, crash data map below shows a significant volume of road traffic collisions on this B Classified highway, in close proximity to the property. The crash map data also shows a collision in very close proximity to the application site. This data raises concerns in relation to highway safety, and the addition of an unsafe access which would result in further accidents, adding to the delays on this B classified road.



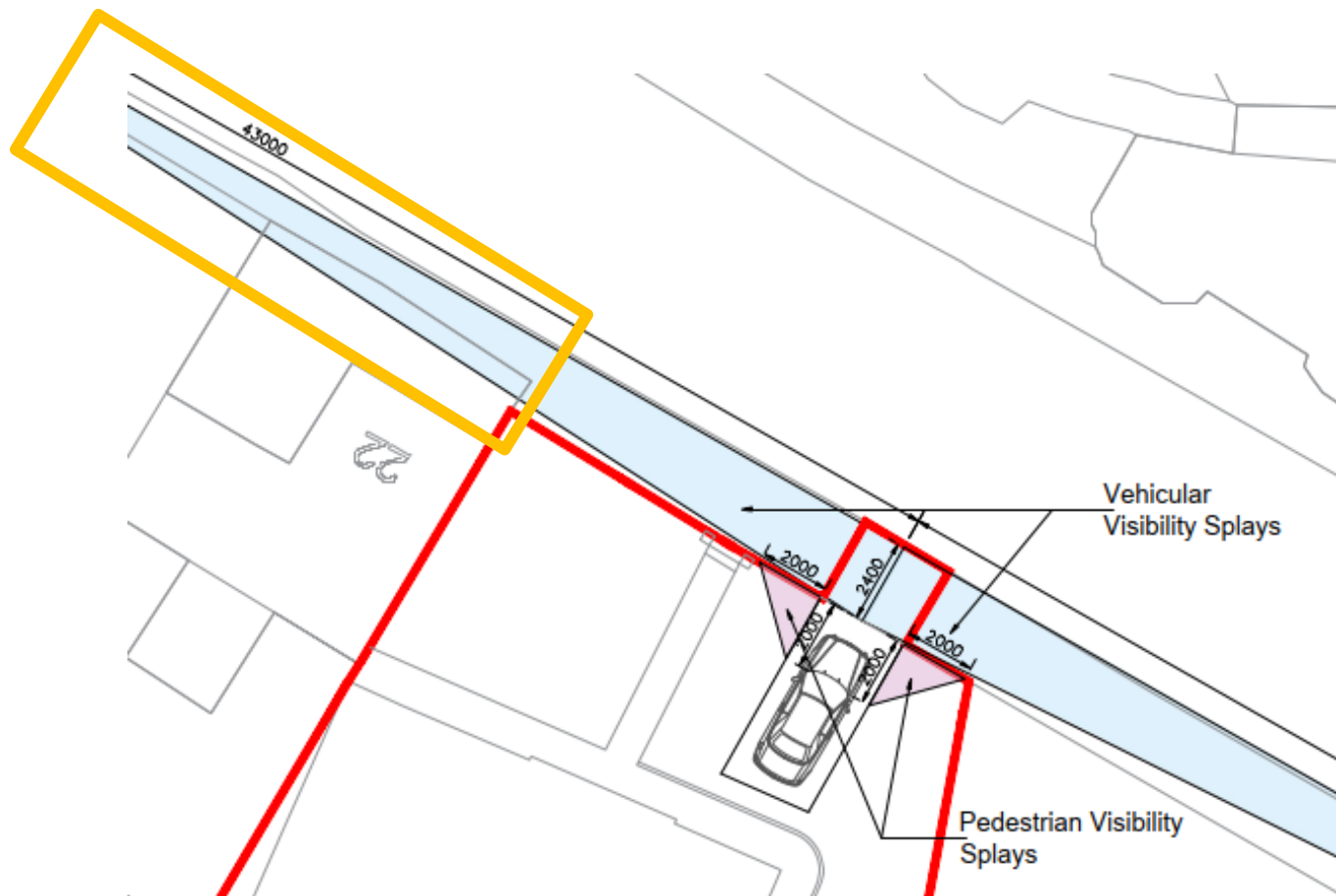
- 6.27. For this driveway to provide a safe and secure exit, visibility splays of 2.4metres from the back edge of the carriageway to a point of 43 metres to the left and right measured along the kerb line would need to be achieved.
- 6.28. It is acknowledged that this can be achieved to the east, but to the west, the visibility splay is less than 10 metres as the front garden boundary treatment of 22 Old Road East blocks the splay, along with the residential redevelopment at the

former Milton Mount Hall site. This is shown the below photographs.



6.29. As the land to the west is outside the ownership and therefore control of the applicant, it is not possible for the applicant under this application to achieve acceptable visibility splays.

6.30. This is demonstrated by the applicant's own plan which shows the vehicular visibility splays encroaching onto both 22 Old Road East and the development at the former Milton Mount Hall side, as shown below (highlighted with an orange box).



Kent County Council Highways have been consulted and confirm that as the applicant cannot provide sufficient visibility splays, due to the land compromising the left visibility splay being outside of the applicant's control, the proposal would result in significant safety issues and should be refused.

- 6.31. When the 1992 planning application was (ref: 19920177) dismissed at appeal, the Inspector carefully considered the proposed front driveway and concluded that the access to the front would be substandard stating the following:

It also advises that

whatever the type of access, good visibility is essential. Having regard to the sub-standard visibility that would be available at the point of access and the status of Old Road East as a District Distributor Road I conclude that the use of the proposed access would materially affect the safety of people using Old Road East contrary to the objectives of Policy T5.

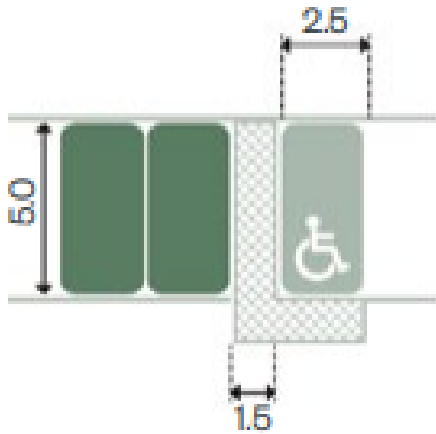
- 6.32. The lack of turning facility on site would mean that reversing into the drive or out of the drive, would lead to vehicles slowing, stopping and turning off the busy road. This would be detrimental to the free flow of traffic along the road, and cause inconvenience to other drivers and pedestrians. Reversing out of the space into the road would be hazardous to other highway users already driving along Old Road East and pedestrians using the footway.

In summary it is considered that it is not possible to provide a driveway without materially affecting the safety of people (pedestrians, cyclists and drivers) using Old Road East. As such the proposal would be contrary to Policy CS11 (Transport) of the Gravesham Local Plan Core Strategy, September 2014, saved Policy T5 (New Accesses onto Highway

Network) of the Gravesham Local Plan First Review 1994, Design for Gravesham (2024) and Householder Extensions/ Alterations Design Guide (2021) supplementary Planning Documents and Kent Design Guide and SPG4 - Kent Vehicle Parking Standards.

Personal Circumstances

- 6.33. To the extent that development plan policies are material to an application for planning permission, the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (see [section 70\(2\) of the Town and Country Planning Act 1990](#) and [section 38\(6\) of the Planning and Compulsory Purchase Act 2004](#)).
- 6.34. A material planning consideration is one which is relevant to making the planning decision in question (e.g. whether to grant or refuse an application for planning permission). The scope of what can constitute a material consideration varies. However, in general, it is accepted that material considerations are concerned with land use in the public interest, and that the protection of purely private interests i.e. personal circumstances are not considered to be material considerations in most instances.
- 6.35. As set out earlier, the applicant has not presented a statement for what their personal circumstances are, why they form a material consideration and what if any weight should be afforded to this consideration.
- 6.36. The evidence put forward by the applicant is in the form of a photos of their blue badge and letters of support from their GP. These letters of support were provided, after the case office taking a positive and proactive approach, asking the applicant for further information in relation to their personal circumstances. At a high level the GP letters advise that the applicants would benefit from having direct access to their property from a car parking space, due to their ongoing health conditions. However, no evidence has been provided to set out that the applicants are unable to walk, and the letters of support fail to take into consideration that the proposal would require the applicant to walk to the highway from their site, walk along the highway, and then re-enter the site and walk to the house via the existing footpath.
- 6.37. Whilst letters from the GP provide further details on the medical conditions of two members of the household, the medical conditions raised are not sufficient to outweigh the planning harm and highway safety harm this proposal would cause if it was to be permitted.
- 6.38. It should be noted that the parking space has been designed to be 2.7m wide by 5.5m deep but this is substandard as Design for Gravesham (2024) requires disabled spaces to be 2.5m wide with an additional strip of 1.2m to the side to allow sufficient width for wheelchair access. This is shown below.



6.39. Kent Design guide also requires that access to disabled parking spaces should be free from steps, obstructions and steep slopes.

6.40. In this instance it is the view of officers that the personal circumstances of the applicants should not be considered to be a material consideration. If it is considered that their personal circumstances should be considered to be a material consideration, the weight afforded to these personal circumstances should be limited, and not outweigh the requirements of the Development Plan and other material considerations such as Design for Gravesham, Manual for Streets and Kent Design with the latter being afforded greater weight.

Rear Parking

6.41. To the rear of the property there is existing off-road parking available for existing occupiers of the dwelling including at least a garage and furthermore, since the previous refusal (ref: 20230319) the applicant has installed vehicular gates that provide direct access to the rear garden, as shown in the photograph below.



6.42. The rear parking provision has been acknowledged by the previous case officer and the Inspector in 1992 which stated:

12. The classified Old Road East is designated as a District Distributor Road in the Local Plan. The Council considers that the proposed access is an unnecessary additional hazard to highway safety since the property is already served by a rear vehicular access. You state that the existing access is dark and dangerous. However it seems to me that the installation of security lighting could assist in alleviating this concern and the existing arrangement provides a satisfactory alternative means of vehicular access.

6.43. The rear access road is in good condition and serves several garages including the application site and furthermore, the applicant raises no concern the means of rear access.

6.44. In summary the driveway and crossover is detrimental to highway safety and is therefore contrary to CS11 and CS19 of the Gravesham Local Plan Core Strategy 2014, Policy T5 Local Plan First Review (1994), KCC Parking Standards (2006), Design for Gravesham (2024), Householder extensions/alterations design guide (2021)

Residential Amenity

6.45. The NPPF (2023) states that planning decisions should aim to secure a high standard of amenity for all existing and future users (paragraph 135f). The impact on amenity is also considered with regard to the criteria within Policy CS19 (LPCS) stating that new development should be located, designed and constructed to safeguard the amenity, including privacy, daylight and sunlight, of its occupants, and those of neighbouring properties and land.

Amenity of Future Occupiers

6.46. 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 and Policy CS19 of the Local Plan Core Strategy 2014.

Neighbouring Amenity

6.47. 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.

6.48. Therefore, in terms of neighbouring amenity, the proposal would accords with the objectives of Policy CS19 (LPCS) and paragraph 135f of the NPPF (2023).

Equalities Considerations

6.49. 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.

6.50. 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.

6.51. 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.

6.52. 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

6.53. 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

6.54. 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.

6.55. The proposed provision of a hardstanding driveway dropped kerb and concrete ramp to allow easy access for the applicants would not outweigh the highway danger limited visibility splays for the driveway. In addition, there is parking provision to the rear of the property. Full weight from all comments received in reaching a recommendation have been considered.

Human Rights Implications

6.56. 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

- 6.57. 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.
- 6.58. 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.
- 6.59. 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.

7 Conclusion

- 7.1 SPG4 - Kent Vehicle Parking Standards July (2006) is supplementary planning guidance which has been adopted by the Local Planning Authority. This guidance provides set requirements for Kent County Council as Highway Authority. Section B.18 of the guidance states:
- Access to car parks from the public highway will require the provision of adequate sight lines to ensure that highway safety is not compromised.
 - The proposal fails to provide adequate vehicular visibility and thus compromises highway safety.
- 7.2 Paragraph 115 of the (NPPF) 2023 states:
- Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*
- 7.3 Consideration has been given to the applicant's personal circumstances and balanced against the impacts on highway safety, furthermore consideration has been given to alternative options and such an option has been identified to the rear of the application site. It is considered that the impact on highway safety outweighs the applicants personal circumstances.
- 7.4 Taking all the above issues into account, it is considered that the proposal cannot be supported for highway safety reasons and poor design.
- 7.5 Therefore, the proposed development is contrary to Policies CS11 and CS19 (LPCS) of the Gravesham Local Plan Core Strategy (2014), as well as Sections 9 and 12 of the (NPPF) (2023), Design for Gravesham (2024) and Householder Extensions/ Alterations Design Guide (2021).
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Recommendation

The recommendation is for the application to be **REFUSED** Planning Permission, for the following reasons:

1. The introduction of hardstanding and subsequent alterations of the land levels in front of the application site will introduce urban development in place of soft landscaping which contributes positively to the locality and as such the proposed development is detrimental to the visual amenity of the street scene and character of the host dwelling. Therefore, the proposed development is contrary to 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) achieving well-designed and beautiful places, Design for Gravesham (2024) and Householder Extensions/ Alterations Design Guide (2021) supplementary Planning Documents.
2. The proposed vehicular access and front garden hardstanding would pose a significant highway hazard on highway and pedestrian safety and the free flow of traffic on this busy road and which is a district distributor route. Highway visibility splays to the proposed access have not been correctly shown on the submitted drawings. As such the proposal would be contrary to Policy CS11 (Transport) of the Gravesham Local Plan Core Strategy, September 2014, saved Policy T5 (New Accesses onto Highway Network) of the Gravesham Local Plan First Review 1994, Design for Gravesham (2024) and Householder Extensions/ Alterations Design Guide (2021) supplementary Planning Documents and Kent Design Guide and SPG4 - Kent Vehicle Parking Standards.

INFORMATIVES

1. DRAWINGS AND DOCUMENTS

For the avoidance of doubt, the decision to refuse this application was taken in relation to the following forms, plans and documents comprising the application:

Application form;

Drawing No.001 Rev A – Location Plans, Existing Block Plan, Proposed Block Plan.

Drawing No.002 Rev A – Existing Floor Plan

Drawing No.003 Rev A – Proposed Floor Plan

Drawing No.004 Rev A – Visibility Splays

Drawing No.005 Rev A – Elevations

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) 2023, the Local Planning Authority has approached the assessment and determination of this application in a positive and creative way and, where appropriate, has worked pro-actively with the applicant to secure a development that is sustainable and that improves the economic, social and environmental conditions of the area, and that is in accordance with the Development Plan for the area.

In this instance, the application is contrary to local and national planning policy and the planning objections could not be overcome by amendments to the scheme or through the imposition of acceptable and appropriate planning conditions.

