



Application: 20211208

**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 B Norris
C/O Mr Ben Kilgore, BDK Consulting Ltd
9 Jury Drive
Rochester
ME3 8GU**

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:

**23 Britannia Drive
Gravesend
Kent
DA12 4RP**

and being **Demolition of existing single storey rear extension and detached garage, and erection of a front porch and a two storey side extension.**

Your application dated 4th October 2021 is refused on the following grounds:-

1. The proposed development would have an incongruous design, be out of character with the existing building and be detrimental to the visual amenities of the surrounding street scene. As such, the proposal would be contrary to paragraph 130 of the National Planning Policy Framework (2021), to Policy CS19 of the Gravesham Local Plan Core Strategy September 2014 and to the Householder Extensions/Alterations Design Guide SPD 2021.
2. The proposed development, by reason of its design and proximity to the boundary, would lead to a detrimental level of overlooking and an unacceptable loss of privacy from the private garden area of no. 25 Britannia Drive and as such, it would be detrimental to residential amenity and contrary to Policy CS19 of the Gravesham Local Plan Core Strategy September 2014 and SPG2 Residential Layout Guidelines 2020.

INFORMATIVES:-

1 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 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 however, the application is not in accordance with the Development Plan for the area and cannot be supported. The proposed design would be unacceptable and the harm to the character of the surrounding area and to residential amenity was considered overriding and could not be overcome by amendments to the submitted scheme.

2 DRAWINGS AND DOCUMENTS

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

Householder application form;
Drawing no. 53-PL-10 Rev. A Existing and proposed block plans;
Drawing no. 53-PL-100 Rev. A Existing layout and elevations;
Drawing no. 53-PL-1000 Rev. A Red line site boundary plan;
Drawing no. 53-PL-101 Rev. A Proposed layout and elevations; and
Drawing no. 53-PL-11 Rev. A Existing and proposed parking plans.

3 PRE-APPLICATION DISCUSSION

The applicant is encouraged to engage with the Local Planning Authority prior to making any further applications on this site. Details of this service can be found online using the following link; <https://www.gravesham.gov.uk/home/planning-and-building/pre-application-planning-advice/overview>

Dated: 25 November 2021

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.

COMPENSATION

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.

These circumstances are set out in Sections 114 and related provisions of the Town and Country Planning Act 1990.