

Application: 20230166

**TOWN AND COUNTRY PLANNING, ENGLAND
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2015**

NOTICE OF REFUSAL TO APPROVE DETAILED PLANS AND PARTICULARS
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To: **Mr Lewis Brown
C/O Ms Hanan Hassan, Barron Edwards Ltd
Barron Edwards, Whitehall Place
47 The Terrace
Gravesend
DA12 2DL**

TAKE NOTICE that the **GRAVESHAM BOROUGH COUNCIL**, the Local Planning Authority under the Town and Country Planning Act 1990, has **REFUSED TO APPROVE** detailed plans and particulars submitted on 23rd February 2023 in accordance with conditions 5, 6, 14 and 16 of the Notification of Grant of Planning Permission reference 20220175 to Develop Land dated 30 May 2022 in respect of:-

Erection of a two-bed detached two-storey house within the curtilage of 18 Marks Square with associated amenity space and formation of vehicle access and one parking space at front.

at: **18 Marks Square
Northfleet
Gravesend
Kent
DA11 7HU**

and being **Application for approval of condition 5, 6, 14 and 16 attached to planning permission reference number 20220175 relating to external facing materials and finishes including brick and roof tiles of the proposed dwelling and surface treatments and finishes to the vehicle parking areas, pedestrian accesses, steps and stairs and other amenity areas, full details of the new boundary treatments to the site for both the existing dwelling and new dwelling as hereby permitted including any retaining structures, full details of soft landscaping and full details of the refuse storage areas**

And that the grounds for such refusal are:-

- 1 The details submitted pursuant to condition 6 of planning permission 20220175 would result in the proposed development being detrimental to visual amenity, being out of character with the surroundings, being detrimental to highway safety and being contrary to Policies CS11 and CS19 of the Gravesham Local Plan Core Strategy (2014) and to the Householder Extensions/Alterations Design Guide (2021). Furthermore, insufficient information has been submitted in relation to the proposed boundary treatment that would adjoin the back edge of the footpath.
- 2 The details submitted pursuant to condition 14 of planning permission 20220175 lack detail and variety in terms of the proposed planting and aftercare, leading to a development that would be detrimental to visual amenity and would not sufficiently enhance biodiversity. As such, they would be contrary to Policies CS12 and CS19 of the Gravesham Local Plan Core Strategy (2014) and to the Householder Extensions/Alterations Design Guide (2021).

- 3 The details submitted pursuant to condition 16 of planning permission 20220175 would result in bin storage that would be poorly located and insufficient in capacity and be detrimental to visual and residential amenity. As such, they would be contrary to Policy CS19 of the Gravesham Local Plan Core Strategy (2014).

INFORMATIVES:-

1 SUBMITTED DRAWINGS AND DOCUMENTS

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

Approval of details application form;
Drawing no. 006 Rev. B Details of boundary treatments;
Drawing no. 001 Rev. C landscaping plan; and
Schedule of Proposed Materials.

2 STATEMENT OF POSITIVE AND PROACTIVE

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.

3 ADVICE FOR APPLICANT

The applicant is requested to read the delegated report for this application, as it contains guidance as to how the details should be amended to ensure compliance with the conditions attached to planning permission reference 20220175.

Dated: 13 April 2023

Civic Centre
Windmill Street
Gravesend
Kent
DA12 1AU

Wendy Lane MRTPI
Assistant Director (Planning)
Planning Service

Your attention is drawn to the following notes

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.