



Application: 20230182

**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 Qiu, FAO Zanoply Ltd
C/O Mr Semsettin Karahan, Zanoply Ltd
Building 3
Chiswick Park
566 Chiswick High Road
London
W4 5YA**

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:

**137 Barr Road
Gravesend
Kent
DA12 4DX**

and being **construction of a new build dwelling house (C3 Use Class).**

Your application dated 20th March 2023 is refused on the following grounds:-

1. The proposed dwelling in the rear garden of 137 Barr Road by virtue of its location, siting, scale and massing would appear as an inappropriate, cramped and convoluted form of development within the garden constituting overdevelopment. This would appear out of place with the character of the surrounding area and grossly out of proportion with terraced properties, eroding the degree of spaciousness of the built form in the immediate area and is incongruous design. As such, the proposal is contrary to Policies CS14 (Housing Type and Style), CS15 (Housing Density) and CS19 (Development and Design Principles) of the Gravesham Local Plan: Core Strategy (2014) and Section 12 (Achieving well-designed places) of the National Planning Policy Framework (2021).
2. The proposed development provides cramped and undersized rooms and would create a poor quality living environment harmful to the amenity of future occupiers contrary to Gravesham's Residential Layout Guidelines (2020) and the National Space Standards (2015). As such, the proposal is therefore contrary to Policy CS19 (Development and Design Principles) of the Gravesham Local Plan: Core Strategy (2014) and Section 12 (Achieving well-designed places) of the National Planning Policy Framework (2021).
3. The scale, form and orientation of the proposed dwelling fails to safeguard the amenity of neighbouring properties, resulting in an overbearing, dominant and unneighbourly form of development in close proximity to the common boundary and results in unacceptable levels of both direct and perceived overlooking of neighbouring gardens and properties, resulting in an unacceptable sense of enclosure and tunnelling effect. As such, the proposal is contrary to Policy CS19 (Development and Design Principles) of Gravesham Local Plan: Core Strategy (2014) and Section 12 (Achieving well-designed places) of the National Planning Policy Framework (2021).

4. The proposed dwelling is located in a suburban area and the development fails to provide a viable or usable parking layout or secure cycle parking. Therefore, the proposal under-delivers on off-street vehicle and cycle parking, in a peripheral location and is in conflict with Policy CS11 (Transport) of Gravesham's Local Plan: Core Strategy (2014), Gravesham's adopted parking standards (SPG4) (2006) and Kent Design Review Interim Guidance Note 3 (2008).
5. The proposal fails to secure a contribution towards strategic mitigation measures within Special Protection Areas, and in the absence of this contribution or adequate information to inform an Appropriate Assessment, the development fails to comply with the requirements of the Habitat Regulations and Section 14 (specifically paragraphs 170, 175, 176 and 177) of the National Planning Policy Framework (2021) and Policy CS12 (Green Infrastructure) of the Gravesham Local Plan: Core Strategy (2014).

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 manner. In this instance the application is not in accordance with the Development Plan for the area and cannot be supported.

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:

Application Form - dated 27/02/2023;
Un-numbered Location Plan - Ordnance Survey Site Location Plan (scale 1:1250);
Un-numbered Location Plan - Existing Block Plan (scale 1:500);
Un-numbered Plan Drawing - Existing Ground Floor Plan (dated 01/07/2022);
Un-numbered Plan Drawing - Existing First Floor Plan (dated 01/07/2022);
Un-numbered Plan Drawing - Existing Second Floor Plan (dated 01/07/2022);
Un-numbered Plan Drawing - Existing Roof Plan (dated 01/07/2022);
Un-numbered Plan Drawing - Existing Front South Elevation (dated 01/07/2022);
Un-numbered Plan Drawing - Existing Rear North Elevation (dated 01/07/2022);
Un-numbered Plan Drawing - Existing Side East Elevation (dated 01/07/2022);
Un-numbered Plan Drawing - Existing Side West Elevation (dated 01/07/2022);
Un-numbered Plan Drawing - Existing Front Street South Elevation (dated 01/07/2022);
Un-numbered Plan Drawing - Existing Rear Street North Elevation (dated 01/07/2022);
Un-numbered Plan Drawing - Existing Section A (dated 01/07/2022);
Un-numbered Plan Drawing - Proposed Ground Floor Plan (dated 01/07/2022);
Un-numbered Plan Drawing - Proposed First Floor Plan (dated 01/07/2022);
Un-numbered Plan Drawing - Proposed Second Floor Plan (dated 01/07/2022);
Un-numbered Plan Drawing - Proposed Roof Plan (dated 01/07/2022);
Un-numbered Plan Drawing - Proposed Front South Elevation (dated 01/07/2022);
Un-numbered Plan Drawing - Proposed Rear North Elevation (dated 01/07/2022);
Un-numbered Plan Drawing - Proposed Side East Elevation (dated 01/07/2022);
Un-numbered Plan Drawing - Proposed Side West Elevation (dated 01/07/2022);
Un-numbered Plan Drawing - Proposed Front Street South Elevation (dated 01/07/2022);
Un-numbered Plan Drawing - Proposed Rear Street North Elevation (dated 01/07/2022);
Un-numbered Plan Drawing - Proposed Section A (dated 01/07/2022).

Dated: 12 May 2023

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.
- **For further information regarding Appeals and to make an application please click the relevant link:**
<https://www.gov.uk/appeal-householder-planning-decision>
<https://www.gov.uk/appeal-planning-decision>
- 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.