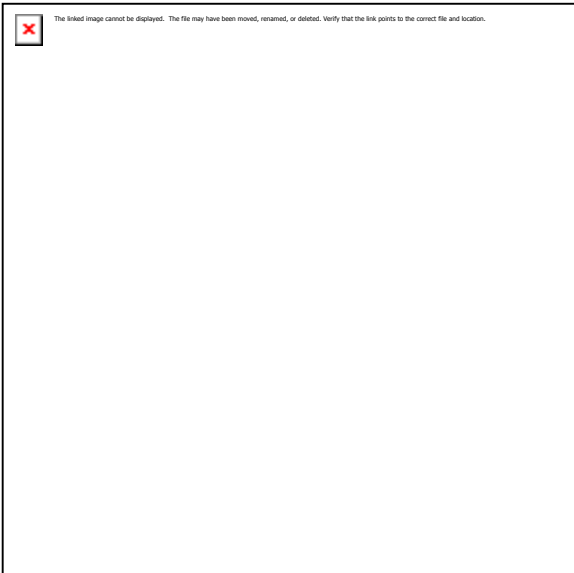




Delegated Report

Householder Planning Application

Planning Application No: 20220586

Location: 1 Cheney's Cottages Thong Lane Shorne Gravesend

Description: Creation of a parking area surfaced with porous tarmac and finished with resin bound gravel.

Applicant: Mr & Mrs D Chubb

Site Visit Date: Previous application for approval of details ref. 20211403

Submitted Documents/Plans

- Covering letter;
- Application form;
- Drawing no. 21/348/01 E;
- Drawing no. 21/348/01 F; and
- Design & Access Statement.

Relevant Planning History

Reference	Description	Decision	Decision Date
20211403	Application for the approval of conditions 3, 4 and 5 attached to planning application reference number 20190929 allowed on appeal under reference number APP/K2230/D/20/3244216 relating to (3) external facing materials, (4) pedestrian visibility splays and (5) soft landscaping.	Approved	02.03.2022
20200630	Application for the approval of conditions 3, 4 and 5 attached to planning permission reference number 20190929 allowed on Appeal reference	Refused	19.08.2020

	APP/K2230/D/20/3244216 relating to External facing materials to be used for the surfacing of the hardstanding, pedestrian visibility splays to allow safe exit onto Thong Lane and soft landscaping.		
20190929	Removal of part of existing hedgerow to the frontage and formation of vehicular access with new gate and formation of vehicle hardstanding.	Refused Allowed on appeal	15.11.2019 26.06.2020

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS11 - Transport
- CS12 – Green Infrastructure
- CS19 - Development & Design Principles
- CS20 – Heritage and the Historic Environment

Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards
- TC3 – Development Affecting Conservation Areas

Paragraph 33 of the NPPF (2021) 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 (2021), the Council will also seek to replace these.

Other material considerations

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

National Planning Policy Framework (2021)

- 2 – Achieving Sustainable Development
- 12 – Achieving sustainable development and well-designed places
- 13 – Protecting Green Belt land
- 14 – Meeting the challenge of climate change, flooding and coastal change
- 15 – Conserving and enhancing the natural environment
- 16 – Conserving and enhancing the historic environment

Supplementary Planning Guidance

- 2 - Residential layout guidelines including Housing Standards Policy Statement October 2015 Adopted 1996 – amended June 2020;
- SPG 4 - KCC Parking Standards (2006);
- Gravesham Landscape Character Assessment (2009);
- Thong Rural Conservation Area Appraisal Supplementary Planning Document (2016);
- Management Plan Rural Conservation Area Appraisals Supplementary Planning Document (2016).

Consultations, Publicity and Representations

Consultees

GBC Highways Officer

Highway Code:

Rule 201

Do not reverse from a side road into a main road. When using a driveway, reverse in and drive out if you can.



Google Street View May 2021 shows neighbours have reversed their vehicles in.

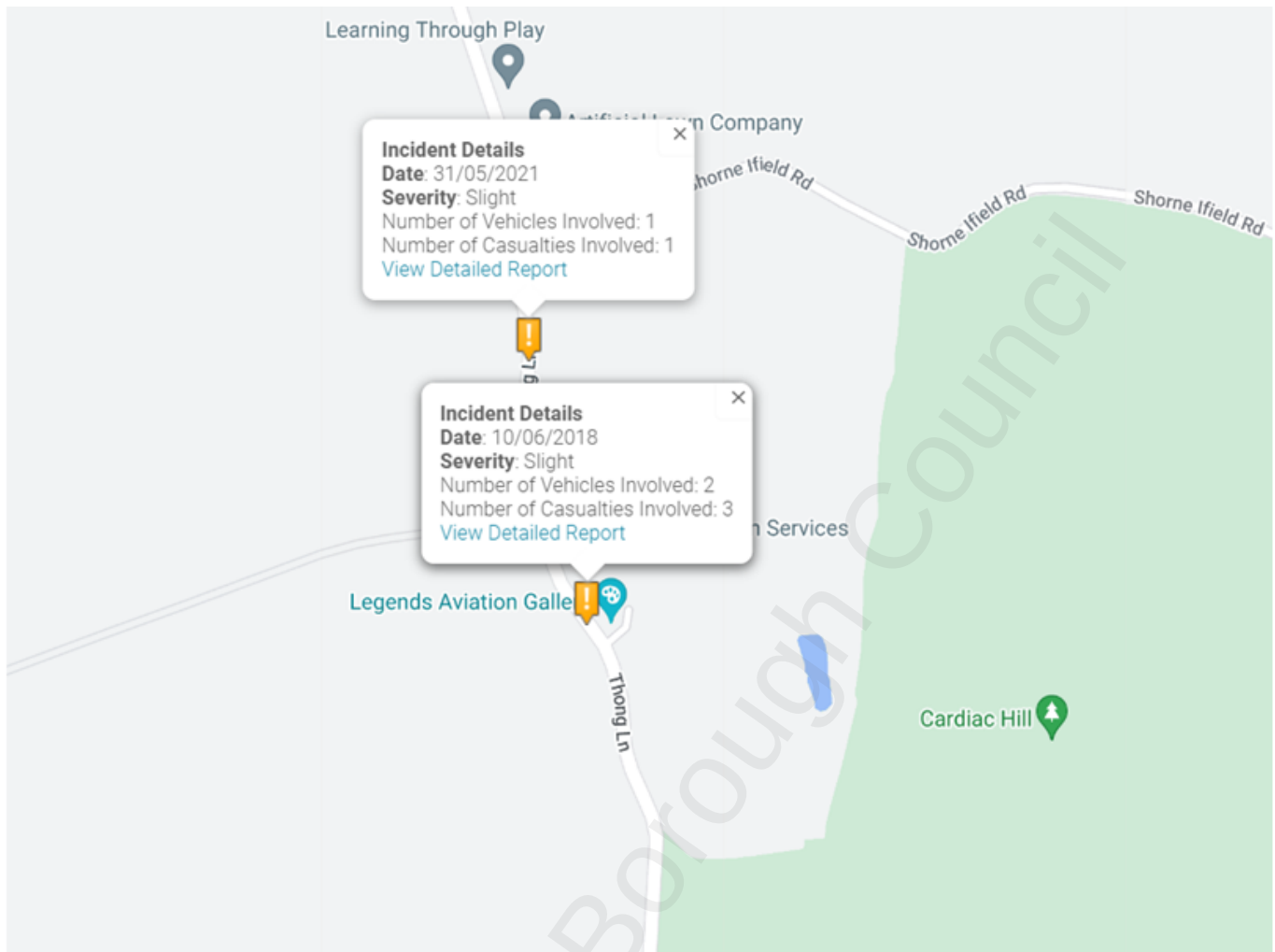
So unless there is a good reason why they are driving forwards onto their drive, they should reverse on to it and so no turning would be necessary.

PGN6 only requires on site turning on sections of road subject to a speed over 30mph. From what I can see on Google Street view the road in this area is subject to 30mph. (May 2021).

Whilst what has been provided on site may work, I would like to see the example shown on the drawings proven by tracked/swept path drawings, I have my doubts that the submitted proposal would actually work. The on-site turning should be tested for a large family saloon such as a BMW5 series or something similar.

So, there is no policy requirement for on-site turning, the Highway Code suggests that people should reverse onto their drives if they can, and the neighbours do, no evidence has been presented that demonstrates the proposed parking/turning area is viable and any turning area would need to be clearly shown so it can be conditioned to be kept clear of parked vehicles, otherwise it becomes pointless and just an extended parking area.

There is insufficient evidence available within the application to make an absolute determination of what has been submitted is viable, but it does not appear to be necessary.



Crash map data.

KCC – West Kent Public Rights of Way Officer

Public Rights of Way NS167 lies to the south of the site and may be affected by the application and I therefore enclose a copy of the Public Rights of Way network map showing the definitive line of this path for your information.

It is important to advise the applicants that a public right of way must not be stopped up, diverted, obstructed or the surface disturbed and there must be no encroachment on the current width, at any time now or in future. This includes any building materials or waste generated during any of the construction phases. Please note that no furniture or fixtures may be erected on or across Public Rights of Way without the express consent of the Highways Authority.

Shorne Parish Council

The Parish Council has significant concerns about this application:

1) Retrospective application:

Regrettably, the application is largely retrospective despite the applicant being aware that the property is located in a Conservation Area and that planning permission is therefore needed. It would have been preferable not to have been put in this situation.

We note that the applicant had previously attempted to obtain approval for this new plan while applying under 20211403 to discharge Conditions from an earlier application and Appeal (Ref 20190929).

2) Size and layout of parking area:

The original size of the separate parking area (not drive as frequently described) is what was applied for, and having just two parking spaces was considered acceptable to the Appeal Inspector.

In retrospect, the layout originally proposed and approved was not optimal, and if revision is required then a combined wide driveway and access path (as at Orchard House next door) would be better as the driveway would then provide turning space and visitor parking.

However, we consider that vehicles can in fact safely reverse into the proposed parking area, as happens at the neighbouring cottages (which also do not have visitor parking). Parking space sizes have national and local recommendations, so overall the parking area does not need to be as large as now proposed. We are not aware of any evidence that parking on the roadside is unsafe in this location, no incidents being recorded on "CrashMap" in the last ten years.

A parking layout plan should also be submitted, in order to clarify and define the orientation in which vehicles are to be parked.

3) Structural aspects:

We note that there is also a new path that has steps down from the parking area, indicating that the land levels have been raised.

Installing steps is a negative design feature as it unnecessarily introduces a safety risk.

The parking area should be lower at the back than the front so that excess water drains back onto the property rather than the roadway, and the path (if needed) should then either be flat or at most gently sloped.

4) Parking Area surface:

We note the comments from the GBC Highways Officer in the Officer Report for application ref 20211403, we were not made aware of the proposed change to a resin surface prior to the decision.

We note the applicant's suggestion that reinforced mesh with grass might be substituted. If that is acceptable to GBC Highways, then it might be more suitable for and compatible with the rural and Conservation Area location as it could appear to just be a grassed area. It would also facilitate future revision. We note that the property is presently up for sale, a future owner might wish to improve on the design and layout of the paths and parking area.

5) Fencing:

Fencing off a parking area from the property it serves is unusual, and, contrary to the applicants supporting statement, we are not aware of any other residential property in the immediate area or further afield where this has been done. The appearance is visually intrusive, whereas the original plan was described in the Appeal decision notice that "it would not result in a notably more intensive form of development and would still maintain the character of openness that is prevalent within the site and its surroundings". With the larger, resin surfaced area plus the fencing and pathway, this is not now the case.

Safety of children at the property is cited as justification however it is more usual to divide garden areas into front and back garden if containment of children is a genuine need. We note in that connection that the rear (east) garden fence is post and rail, and the right side (south) boundary includes a wooden barred field gate that opens from the side track from the roadway. A temporary solution would also be a possibility as has already been used previously on the site.

6) Future vehicle gates:

There is unconnected discussion about potentially installing vehicle gates however that has not been applied for. It is not common for residential properties in the area, particularly not if the gates would be located immediately adjacent to the roadside. That would probably not be permitted due to highway safety concerns.

Dickens Country Protection Society

The Society notes that the size of the parking area appears to be excessively large (space for four large vehicles) in relation to a three bedroom cottage. In its view the length of the parking area should be reduced and the garden and hedge reinstated.

No response from:

GBC Conservation Officer

Neighbouring properties

4 surrounding properties were consulted plus site and press notices – overall consultation expiry date was 08/07/2022 – no responses received.

Officer's Analysis

The application site consists of a two storey end of terrace dwelling situated in the Thong Conservation Area, in the Green Belt and in the Shorne Woodland Landscape Character Area.

This application is for creation of a parking area surfaced with porous tarmac and finished with resin bound gravel. The works have already been commenced on site in terms of the laying of hardcore for the enlarged hardstanding and the fencing.

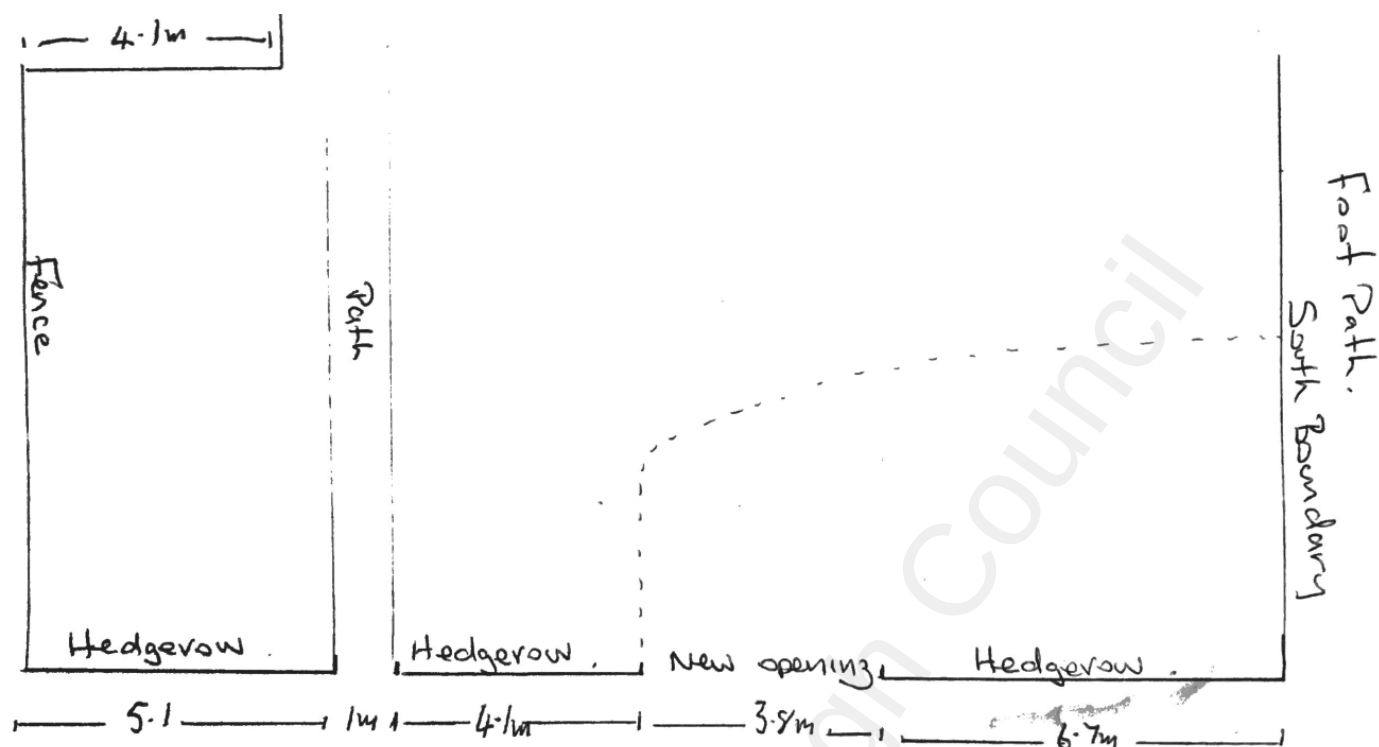
Planning permission was granted on appeal for 'removal of part of existing hedgerow to the frontage and formation of vehicular access with new gate and formation of vehicle hardstanding' under ref. 20190929 (refused 15.11.2019; allowed on appeal on 26.06.2020 ref. APP/K2230/D/20/3244216). This was subject to a number of conditions including nos. 3, 4 and 5 which the applicant applied to discharge under application ref. 20200630 however, which was refused on the basis of insufficient information being submitted for each of the conditions.

The applicant applied again to discharge condition nos. 3, 4 and 5 under application ref. 20211403. In this application the drawing submitted to discharge the conditions showed a much larger area of hardstanding than that approved by the Inspector on appeal under ref. 20190929 including fencing around the north, east and southern boundaries. This larger area of hardstanding and fencing had also been carried out on site as is there now. The applicant was advised that he could not apply for a larger hardstanding area in an approval of details application and the extent of hardstanding area shown on the plans had to be as approved. The plans were thereafter revised to show the extent of hardstanding as approved and with the fencing removed.

The applicant in this current application is applying for this larger hardstanding area with fencing.

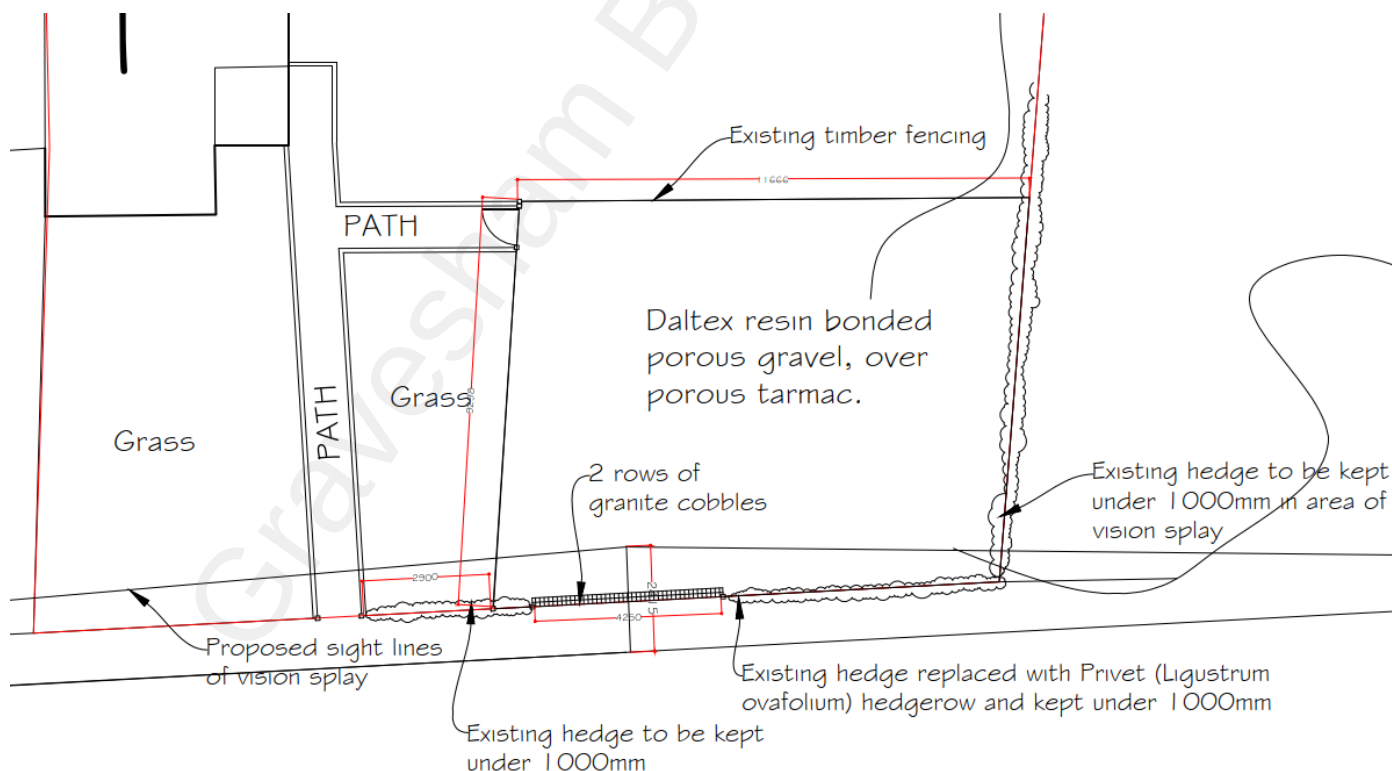
The hardstanding granted on appeal under ref. 20100929 is:

- 10.6m in width
- 3.5m in depth along the northern side boundary
- 5.7m in depth along the southern side boundary (difference between the north and south boundaries due to the curved design of the hardstanding)



The hardstanding proposed is:

- 11.5m in width along front western boundary/11.6m along rear eastern boundary
- 9.2m in depth along the northern side boundary
- 8.7m in depth along the southern side boundary



Character and Appearance including Heritage

The Inspector found the area of hardstanding as applied for in application ref. 20190929 acceptable. However, it is the extent of hardstanding as now proposed and carried out, which would be much larger than that approved under the appeal, which is considered harmful. In terms of size it would be 1m greater in width, 5.7m greater in depth along the northern side boundary and 3m greater in depth along the southern side boundary. In discussing the area of hardstanding proposed under ref. 20190929 the Inspector noted:

‘Owing to the location of the parking area behind the site’s hedge and the fact that these works would be at ground level, they would not be particularly notable within the environs of the site. As such, the defining predominantly open and verdant character of the Conservation Area would be retained. Furthermore, a large proportion of nearby properties feature similar parking areas. In consequence, the proposed development would not appear at significant variance to this characteristic’.

Therefore, finding that an area of hardstanding would be acceptable was on the basis of the extent of hardstanding proposed which was much less than that proposed now, and that the hardstanding would mostly be screened behind the front boundary hedgerow. Due to the increase in size of the hardstanding in terms of its width and depth it is now no longer sufficiently screened behind the hedgerow but is very much more visible, prominent and visually intrusive. The creation of this larger area of hardstanding has resulted in the loss of more of the grassed area surrounding the dwelling and is now a much larger area of hardstanding than is present at any of the neighbouring dwellings in the terrace. The grassed areas of this and the neighbouring dwellings contribute positively to the character and appearance of the Conservation Area and this has now been diminished. The fencing which has been erected around the north, east and southern boundaries of the hardstanding area not only adds to the prominence of the hardstanding but due to its siting set some way back from the front boundary line it would appear as an incongruous feature due to it not being in line with the front boundary line.

It is noted that the hardsurface would be formed of the materials approved under ref. 20211403 i.e. – Daltex Bespoke Resin bound gravel over Ultidrive porous tarmac however. It is not the material which is the issue but the extent of hardstanding as explained above.

Overall it is therefore considered that the proposed hardstanding and fencing are an unsympathetic and visually intrusive form of development which has not preserved but has caused harm to the character and appearance of the Thong Conservation Area and as such the proposal is contrary to Policies CS19 and CS20 (LPCS) and saved Policy TC3 (LPFR).

Parking and Highway Safety

The agent sets out in the covering letter that the larger hardstanding area is required as the approved hardstanding is undersized in depth, there needs to be space for their vehicles along with a visitor space with room for the doors to be able to be opened wide and lastly that there needs to be a turning area for vehicles to be able to turn around on site as it is not safe for vehicles to reverse onto the road.

The Council’s Highways Officer advises that in accordance with the highway code the applicant should not be reversing their vehicles onto the road. The Highways Officer also advises that a turning area is only required on roads with a speed limit of over 30mph and this section of Thong Lane appears to have a 30mph speed limit and so a turning area would not be required. The officer also advises that it has not been demonstrated on the drawing that the proposed parking/turning area is viable. The Highways Officer includes crash map data noting there have been two ‘slight’ accidents on this stretch of Thong Lane. Overall therefore the Highways Officer does not consider the proposal is necessary but subject to a plan to show the parking and turning area to demonstrate that it is viable there are no issues raised in terms of highway safety and in this respect the proposal is considered compliant with Policy CS11 (LPCS).

Other matters

Whether inappropriate development in the Green Belt and openness

As noted by the Inspector in the appeal decision for ref. 20190929, the proposed development would

replace access elsewhere on the site, serve an existing dwelling, be located at ground level and include an element of landscaping (hedgerow and surrounding garden beyond). The Inspector accordingly found that the proposal would not result in a more intensive form of development and would still maintain the character of openness that is prevalent within the site and its surroundings. The hardstanding would now be larger as set out above but for the reasons that the Inspector found i.e., the hardstanding would still replace an access elsewhere on site, serve an existing dwelling, located at ground level and include an area of landscaping it is still considered that the larger hardstanding would not result in a more intensive form of development and would still maintain openness. In this respect the proposal is compliant with Policy CS02 (LPCS) and section 13 of the NPPF (2021).

Landscape Character

The site is situated in the Shorne Woodland Landscape Character Area. Due to the nature of the proposals within an existing residential curtilage it is considered there would be no materially greater impact on wider landscape character and as such the proposal would be compliant with Policy CS12 (LPCS).

Amenity of Occupiers

The property would still have a garden area which would exceed the minimum garden area and rear garden depth for a two bedroom property as set out in SPG2 and as such in respect of the amenity of occupiers the proposal is compliant with Policy CS19 (LPCS).

Neighbouring Amenity

Due to the nature of the works in respect of their siting and scale there would be no impact on the amenity of any neighbouring properties and in respect of this the proposal is compliant with Policy CS19 (LPCS).

Public Rights of Way

Due to the siting of the proposal it would have no impact on the public right of way to the south of the site.

Any Other Material Planning Considerations

None.

Conclusion/Balancing Exercise & Recommendation

It is stated that the larger hardstanding and fencing is required to provide sufficient space for the applicant's vehicles and a visitor space with room to open the car doors wide and also in terms of highway safety in order to provide a turning area so that vehicles would not have to reverse onto the main road; the fencing is stated to be required in order to protect the occupiers of the dwelling from fast moving vehicles on the road and those visiting the commercial uses opposite.

However, it is not considered that these outweigh the harm that would be caused to the character and appearance of the Thong Conservation Area and furthermore the Highways Officer has advised that such works would not be necessary in respect of highway safety.

The NPPF (2021) sets out that great weight should be given to a heritage asset's conservation (para. 199).

The proposal would lead to less than substantial harm to the significance of the designated heritage asset; in such circumstances the NPPF (2021) (para. 202) states that such harm shall be weighed against the public benefits of the proposal. In this case there are not considered to be any public benefits, including those to the applicant, which would outweigh the harm to the Conservation Area identified.

It is therefore concluded that the proposal would be unacceptable in respect of the harm to the character

and appearance of the Thong Conservation Area and as such refusal is recommended.

(For detailed reasons for refusal and informatives, see draft Decision)

Case Officer:	Ms Rebecca Harrison	Team Leader:	Miss Faye Hobbs
Signed:	<i>Rebecca Harrison</i>	Signed:	
Dated:	26th July 2022	Dated:	26 July 2022