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# Appeal Decision

Site visit made on 24 November 2022

**by E Grierson BSc (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 22 December 2022**

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**Appeal Ref: APP/K2230/W/22/3295179**

**28 Park Road, Gravesend DA11 7PR**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr K Avery against the decision of Gravesend Borough Council.
  - The application Ref 20211019, dated 6 August 2021, was refused by notice dated 15 November 2021.
  - The development proposed is described as the demolition of existing building and erection of 6 no. semi-detached, 3 bedroom dwellings.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The description of the proposed development has been taken from the appeal form rather than the application form as it provides a more accurate and detailed description of the development proposed.
3. The application which is the subject of this appeal was made as an outline application with all matters (access, appearance, landscaping, layout and scale) reserved for future consideration. As such I have considered the appeal on this basis.

## Main Issues

4. The main issues are:
  - the effect of the proposed development on the character and appearance of the appeal site and the surrounding area;
  - the effect of the proposed development on the living conditions of the occupiers of the neighbouring properties, 54 to 84 Woodfield Avenue, in relation to privacy and noise and disturbance;
  - whether the proposed development would provide sufficient living conditions for future occupiers in relation to private amenity space; and
  - the effect of the proposed development on highway safety.

## Reasons

### *Character and Appearance*

5. The appeal site is occupied by a single storey detached dwelling and garage with a long rear garden and vehicle parking to the front. The surrounding area

is largely characterised by residential dwellings fronting the road on long narrow plots in a uniform layout. This layout results in dwellings with a densely packed appearance when viewed from the road but a more open and spacious garden environment to the rear. Although located on a larger plot than the surrounding properties, the existing dwelling on the appeal site generally follows this form of development.

6. The proposed dwellings, as shown on the submitted plans, would have a similar scale and appearance to that of the surrounding dwellings, with an overall density suitable to the area and the plot. However the proposed dwellings, particularly those positioned in the middle of and to the rear of the appeal site, would not follow the prevailing pattern of development in that they would not front the road and would be located on much shorter plots with smaller gardens than surrounding properties.
7. The backland location of the proposed dwellings to the rear of the appeal site would appear 'shoehorned' and would be an incongruous addition to the appeal site and the surrounding area. This would disrupt the existing spacious rear garden environment which the area currently benefits from. Whilst the proposal would not be wholly visible from Park Road, due to the lower ground level of the appeal site, the proposal would be highly visible from surrounding properties, particularly those on Woodfield Avenue. Therefore, as the layout of the proposed dwellings would be out of keeping with the surrounding development, they would have a detrimental impact on the character and appearance of the area.
8. I recognise that the plans are indicative only, and that all matters are reserved for future consideration. However, they fail to persuade me that six dwellings of this size could be satisfactorily developed on this constrained plot that would be in keeping with the character and pattern of the surrounding built form.
9. Consequently, the proposed development would harm the character and appearance of the appeal site and the surrounding area and would conflict with the relevant sections of Policies CS14, CS15 and CS19 of the Gravesham Local Plan Core Strategy (the CS) 2014. Amongst other things, these policies collectively seek to ensure that new housing development take into account and do not compromise the existing distinctive character of the area in which it is situated and integrates well with the surrounding local area. The proposal would also be contrary to the general design objectives of the National Planning Policy Framework (the Framework).

#### *Living Conditions – Neighbours*

10. Although access and layout are matters reserved for future consideration, the proposed masterplan submitted as part of the application shows the access road to the proposed dwellings located directly to the rear of the dwellings on Woodfield Avenue. At present the large majority of the appeal site is occupied by rear garden and the existing dwelling itself, with only a small area to the south of the site used for vehicular access and parking.
11. A vehicular access road spanning the full length of the site and the number of dwellings which this would serve, would introduce a large number of vehicular movements to this rear garden environment. This would significantly increase the noise and disturbance experienced by the occupiers of the adjacent dwellings on Woodfield Avenue, when using their rear gardens, when compared

to the appeal site at present. Although the location of the access road could be altered at reserved matters stage, the number of vehicle movements for six dwellings would still create an unacceptable level of disturbance regardless of its position on the appeal site.

12. As shown on the master plan, the proposed pair of semi-detached dwellings in the middle of the appeal site would face the rear elevations and rear gardens of the adjacent dwellings on Woodfield Avenue. Therefore, as the separation distance between these properties would be minimal, any proposed first floor windows on the front elevation of these semi-detached dwellings would overlook the neighbouring properties on Woodfield Avenue. However, the submitted plan showing the sections of the proposed buildings indicate that the front elevation would not have any first floor windows. Although this would prevent any loss of privacy for the occupiers of the neighbouring dwellings on Woodfield Avenue, it is indicative of the unsuitability of the site to accommodate the development proposed.
13. Similarly, on the section plan, the proposed semi-detached dwellings to the north of the appeal site show first floor windows on the side elevation which would face the rear of the properties on Woodfield Avenue. However, this is an indicative plan which could be sufficiently altered at the reserved matters stage to prevent any overlooking, either by relocating these windows or obscure glazing. Therefore, I am persuaded that it is possible for all of the proposed dwellings on the appeal site to be designed to ensure that there is no loss of privacy to the occupiers of the neighbouring dwellings. However, the need for this would suggest that the scheme is a somewhat contrived form of development.
14. It is noted that a difference stance was taken in an appeal<sup>1</sup> for another site within the borough. However, in this appeal the Inspector was unable to see how the pair of semi-detached dwellings proposed could be designed so as not to cause a loss of privacy of existing occupiers. As this is not the case for this appeal, as detailed above, the two are not directly comparable.
15. Nevertheless, due to the increase in noise and disturbance from vehicular movements, the proposed development would harm the living conditions of the occupiers of neighbouring properties and would conflict with the relevant section of Policy CS19 of the CS. This policy, amongst other things, seeks to ensure new development is designed to safeguard the amenity of those of neighbouring properties and land, avoiding adverse environmental impacts including noise pollution. It would also conflict with the section of paragraph 130 (f) of the Framework which states that developments should create places with a high standard of amenity for existing users.

#### *Living Conditions – Future Occupiers*

16. The Gravesham Local Plan Residential Layout Guidelines (SPD2) 2020 states that for accommodation with 3 bedrooms the minimum garden area required is 60m<sup>2</sup>, with a minimum depth from the rear wall of the house of 10 metres. The submitted plans do not specifically indicate the areas designated as private amenity space. However, the masterplan does show some green space around the dwellings which could be used as such.

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<sup>1</sup> APP/K2230/W/21/3272575 (Land east of 58 Dover Road, Five Ash Road, Gravesend, Kent DA11 0RE)

17. The Council state that from the information submitted, only one of the proposed dwellings would have a garden in excess of 60m<sup>2</sup> and none would meet the 10 metre minimum depth standard. Nevertheless, these plans are indicative only and the area to be used as private amenity space could be agreed at reserved matters stage. I am satisfied that the appeal site is sufficient in size to provide a garden area and depth which would afford satisfactory living conditions to the future occupiers of the proposed dwellings.
18. For the reasons above, I conclude that the proposed development could provide satisfactory living conditions for the future occupiers of the proposed dwellings in relation to private amenity space and would comply with the relevant section of Policy CS19 of the CS. This policy, amongst other things, seeks to ensure new development is designed to safeguard the amenity of its occupants. It would also accord with the section of paragraph 130 (f) of the Framework which states that developments should create places with a high standard of amenity for future users.

### *Highway Safety*

19. The master plan submitted by the appellant shows the access to the site in a similar location to the existing access with a road to the other properties along the western boundary of the site, with 8 parking spaces for vehicles. However, layout and access are matters which are reserved for future consideration and therefore this could be altered.
20. The access to the appeal site is existing and currently serves an existing dwelling. Due to this and the overall size of the appeal site, I see no reason why this could not be adapted to sufficiently serve the number of dwellings proposed. Furthermore, the layout could be designed to ensure there is a sufficient turning circle for a refuse freighter, 10 car parking spaces required to meet parking standards and adequate cycle parking provision to provide alternative transport options. This would ensure that the proposed development would not have a detrimental impact on highway safety.
21. Therefore, subject to the details which form the reserved matters, the proposed development would not harm highway safety and would accord with Policy CS11 of the CS. This policy states that new development should mitigate any impact on the highway as required, with sufficient parking provided in accordance with adopted parking standards and improvements to walking and cycling facilities.

### **Other Matters**

22. The appellant has highlighted that the proposed development would provide additional dwellings in a sustainable location which can be delivered in a reasonable timeframe. The Council have also confirmed that they are unable to demonstrate a five year housing land supply, with a supply of only 3.27 years, and that the delivery of housing is substantially below that required by the Housing Delivery Test. As such, the test in paragraph 11(d) of the Framework should be applied.
23. The proposed development would add to the overall housing land supply and make efficient use of the land with off road parking and EV charging points. However, the benefits derived from a net increase of five dwellings would be minimal and this carried limited weight. Therefore, whilst there is a significant

shortfall in the housing land supply and housing delivery, given the harm that I have identified, the adverse impacts of granting permission would significantly and demonstrably outweigh the limited benefits of five additional dwellings when considered against the policies of the Framework taking as a whole. As a result, the presumption in favour of sustainable development does not apply and does not weigh in favour of the proposed development.

24. The Council have highlighted that the appeal site is located within the Thames Estuary and Marshes Ramsar site and Special Protection Area (SPA). They state that due to people using the estuary and marshes for recreation purposes there has been a decline in the number of birds using these sites in recent years. Due to the insufficient information provided at the application stage, demonstrating the implications of the proposed development on these protected sites, the Council have included a reason for refusal within their decision notice relating to this.
25. The Conservation of Habitats and Species Regulations 2017 (as amended) requires the decision maker to undertake an Appropriate Assessment (AA) where there are likely significant effects from the proposal, either alone or in combination with other plans or projects. However, no further evidence has been provided to me on this matter and regulation 63(1) indicates the requirement for an AA is only necessary where the competent authority is minded to give consent for the proposal. Therefore, in view of my overall conclusions resulting in my decision to dismiss the appeal, it has not been necessary to address this in any further detail.
26. It is noted that the appellant considers that the Council unduly assessed the proposal as if it were in detail rather than the outline application submitted. However, this would not alter my consideration of the proposed development and has not affected the outcome of this appeal.
27. The appellant's view that the proposal broadly complies with national and local policy is a rather sweeping statement which they have not been able to substantiate.

## **Conclusion**

28. I have found that the proposed development might be able to provide satisfactory living conditions for its future occupiers and would not harm highway safety. However, these are neutral points rather than amounting to benefits arising from the scheme. It would harm the character and appearance of the site and surrounding area and the living conditions of the occupiers of neighbouring dwellings. I consider this the primary issue, and on which the proposed development fails significantly. Therefore, for the reasons given above and having had regard to all other matters raised, the proposal would conflict with the development plan taken as a whole and I conclude that the appeal should be dismissed.

*E Grierson*

INSPECTOR