

Delegated Report

Householder Planning Application

Planning Application No: 20221037

Location: 69 Old Road East Gravesend Kent DA12 1NW

Description: Retention of front boundary wall and gate

Applicant: Mr Arek Gasidlo

Site Visit Date: 24/10/22

Submitted Documents/Plans

Application Form
PL001 – Site Location Plan
PL003 – Existing and Proposed Drawing

Relevant Planning History

No relevant Planning History post 1974

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS11 - Transport
- CS12 – Green Infrastructure
- CS18 – Climate Change
- CS19 - Development & Design Principles

Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards
- T5 – Access to the Identified Highway Network
- T1 - Impact of Development on the Highway Network

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.

National Planning Policy Framework (2021)

- 2 – Achieving Sustainable Development
- 12 – Achieving sustainable development and well-designed places

Supplementary Planning Guidance

- 2 - Residential layout guidelines including Housing Standards Policy Statement October 2015 Adopted 1996 – amended June 2020;
- Technical Housing Standards – nationally described space standard (2015);
- SPG 4 - KCC Parking Standards (2006);
- Householder Extensions/Alterations Design Guide (2021); and
- Gravesham Landscape Character Assessment (2009)
- Kent Design Guide
- PGN 6 - Vehicle Accesses on Classified Highways (2009)

Other Supplementary Planning Guidance

- Department for Transport - Manual for Streets (2007)
- Kent County Council - Residential Dropped Kerb Guidance and Self-Assessment (2022)

Consultations, Publicity and Representations

The consultation period ended on 20th October 2022.

Consultees

Ward Councillors: No comments received.

GBC Highways Officer:

I object to this proposal, the infill panels limit visibility and present a hazard to highway safety for pedestrians and possibly vehicles, no sight lines have been submitted so it is not possible to determine exactly.



Dropped Kerb: - Application Guidance

6/ Visibility Requirements

Will you be able to see pedestrians and vehicles clearly enough to drive out of the driveway without causing danger to yourself or other road users?

There should be no obstruction to visibility over a height of 0.90m above footway level where all or part of the splay lies across land outside of the applicant's control, a relaxation to this requirement may be considered, based on the amount of pedestrian activity along the footway, the width of the footway and the carriageway speed limit. This is only for guidance, a full visibility assessment will be completed on site by the highway officer.

You may be asked to consider alterations to obtain application approval.

The use of gates is contrary to the guidance issued by Kent County Council and again present a hazardous situation on the highway.

11/Gates

Have you or are you considering installing gates?

The gates should not open outwards onto the public highway and you should have at least 5.5m clearance to ensure vehicles are not obstructing the public highway on accessing your property.

https://www.kent.gov.uk/_data/assets/pdf_file/0003/139485/Dropped-Kerb-Application-Guidance.pdf

Neighbouring properties

4no. surrounding properties were consulted, and no responses were received.

Officer's Analysis

Description of Site

This application relates to a semi-detached dwellinghouse, recently rendered, with slate roof tiles. Originally it appears planting was at the front boundary, but this has since been removed. This is a residential area, generally containing a mix of detached and semi-detached dwellinghouses. The buildings tend to be stepped back with low front boundary brick walls and planting with open entrances for vehicular and pedestrian access. Some front boundaries have been lost over time but for the majority of properties this has been retained and this provides a positive visual appearance particularly where the front boundary incorporates soft landscaping.

Proposal

This is a retrospective application for erection of front boundary wall and gates. It is 1.8 metres high across the full width of the front garden at 9.8m wide. It incorporates a pedestrian entrance and vehicular entrance also at 1.8 metres high. The construction incorporates a concrete base and pillars with integral fence panels above.

Photographs of site





Design, Character and Appearance

The impact of front gardens and their associated boundary treatment can have a significant impact on the character and appearance of the area, as the first and frontmost form of development fronting the pavement. As such, all development incorporating alterations to boundary treatment require careful consideration. This is reiterated in paragraph 10.23 (Front Garden Boundary Treatments) of the Householder Extensions/Alterations Design Guide SPD 2021. Within this section it states that boundary treatments visible from the street should:

- *Respond to the design of the dwelling;*
- *Be consistent with the height of other enclosures on the road;*
- *Avoid the introduction of different styles along the street. Treatments should reinforce the dominant boundary type along the street, ensuring consistency with the style and age of the property;*
- *Consider well-maintained planting as an alternative solution and retain any hedgerow;*
- *Encourage natural surveillance of the street and help design out crime;*
- *Incorporate visibility splays and sight lines for pedestrian and vehicular safety;*
- *Hedges are also encouraged given their air quality benefits*

Likewise, the Kent Design Guide addresses the importance of boundaries on page 164. They state, 'boundaries to new development should define the edges of the site and clearly mark the division between the public and private space.' However, the attractiveness of development and built form is linked to the use of appropriate boundary treatment. They state boundaries work well where:

- *Walls, railings and fences have a character appropriate to their location and should be selected with durability in mind, particularly on public boundaries.*
- *Their form varies according to their surroundings and to the degree of enclosure required.*
- *an existing wall, hedge or fence, which already gives an overriding form to an area is retained and incorporated into the new development.*
- *an existing watercourse is used as a boundary as well as a positive asset for the development. They should not be culverted, fenced-off or excluded from proper maintenance, unless required for safety reasons.*

The boundary treatment would be greater than 1 metre high and so planning consent is required for its construction. In this instance the height, width and design of the concrete and panelled wall/fence would be uncharacteristic to the local area and the consistent use of shorter, traditional brick walls which extend only partially across the front boundaries. This combination of design choices for this boundary treatment visually results in a harsh, incongruous addition in a prominent location, therefore having a significant harmful impact on the quality of the streetscene. The harm is exacerbated by the recent loss of the wall and planting at the boundary, the planting which would have softened the frontage somewhat whilst providing the additional height of privacy screening desired. This would be contrary to the requirements of Householder Extensions/Alterations Design Guide SPD 2021 and the Kent Design Guide and therefore CS19 of the Gravesham Local Plan Core Strategy (September 2014).

Amenity of Future Occupiers

The nature of this development does not alter the internal space, light provision or extent of external garden space.

Neighbouring Amenity

The nature of this development does not present concerns regarding impact to residential amenity of neighbours.

Parking and Highways

Old Road East is a classified 'Schedule 2 Highway' within Gravesham's PGN6 (2009).

Whilst the driveway existed prior to this proposal to alter boundary treatment, the altered boundary treatment would alter the visibility for users of the driveway and pedestrians using the footpath fronting the plot. Visibility splays have not been included with this application.

Highway guidance (PGN6) must meet certain standards such as satisfactory sightlines and gates that are a certain distance from the edge of the highway. The highway guidance document (2022) states that gates should be a minimum distance of 5.5m from the highway edge and inward opening to ensure that vehicles do not obstruct the public highway when accessing the property. In this case the gate would meet the highway edge and would therefore impact on the free-flowing movement of traffic on Old Road East and increase the potential of incidents contrary to this guidance.

The existing access is obstructed by the fencing, wall and access gates at 1.8 metres high, which exceed the height of 0.6m, and concerns were raised by GBC Highways Officer regarding the pedestrian visibility splays. Therefore, the proposed access is considered to be a risk to pedestrians by virtue of unacceptable visibility splays contrary to guidance,

Nevertheless, by virtue of substandard pedestrian visibility splays and a gated access within 5.5m of the highway edge, the proposed driveway represents a risk to pedestrian and highway safety. Therefore, the proposal is contrary to PGN6 (2007), Manual for Streets (2009) and represents a risk to highway safety contrary to Policy CS11 (LPCS) and saved policies T1 and T5 of Gravesham's Local Plan First Review (1994).

Conclusion & Recommendation

The boundary treatment by virtue of its excessive height and width, uncharacteristic use of materials and design and lack of soft landscaping would be an addition result in significant and incongruous harm to the character of the area and streetscene. As such this proposal is contrary to Policy CS19 of the Gravesham Local Plan Core Strategy (2014), section 12 of the National Planning Policy Framework (2021), the Kent Design Guide and Householder Extensions/Alterations Design Guide (2021).

The high boundary treatment represents a risk to pedestrian safety by virtue of reduced visibility and the placement of gates at the boundary will impact on the free-flowing movement of traffic and increase the potential for collision by virtue of gates located close to the edge of the highway. Insufficient information has been supplied to ensure vehicle and pedestrian highway safety in the form of visibility splays. Therefore, the proposal is contrary to Policy CS11 (LPCS), saved policy T5 (LPFR), SPG 6: Planning Policy for Vehicular Accesses to Classified Highways (2009), Kent County Council vehicle crossing guidance (2022), as well as Section 9 (NPPF).

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

Case Officer:	Ms Lisa Williams	Team Leader:	Richard Hart
Signed:		Signed:	<i>R Hart</i>
Dated:	28th October 2022	Dated:	2nd November 2022