

Delegated Report

Householder Planning Application

Planning Application No: 20230319

Location: Crantock House 22A Old Road East Gravesend Kent

Description: Creation of a vehicle crossover, driveway and a ramp for disability use.

Applicant: Satnam Kainth

Site Visit Date: 28th April 2023

Submitted Documents/Plans

- Application Form
- Drawing No's: 6-9 (Existing/Proposed Front Elevations and Section AA)
- Drawing No's: 1-3 (Site Location Map and Existing Block Plan)
- Drawing No's: 4-5 (Proposed Block Plans)

Supplementary Information

- Planning Statement

Relevant Planning History

Reference	Description	Outcome	Decision Date
20221317	Provision of a hardstand block paving driveway, dropped kerb and concrete ramp to allow easy access for disability use.	Refused	22.02.2023
19920177	Erection of rear extension at first floor to form bedroom and ensuite bathroom and formation of a vehicular access onto a classified road.	Refused	19.05.1992
AP 1992/00027 /REF	Erection of rear extension at first floor to form bedroom and ensuite bathroom and formation of a vehicular access onto a classified road.	Appeal Dismissed	04.03.1993

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

Saved Policies in the Gravesham Local Plan First Review (November 1994):

- P3 – Vehicle Parking Standards
- T5 – Access to the Identified Highway Network

Paragraph 33 of the NPPF (2021) sets out those 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 the review 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 a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) general conform with the National Planning Policy Framework (2021), the Council will also seek to replace these.

Other material considerations

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National Planning Policy Framework (2021)

- Section 2 – Achieving sustainable development
- Section 12 – Achieving well-designed places

Other relevant guidance

- Kent County Council Vehicle Crossing: - Guidance and Self-Assessment (2018)

Supplementary Planning Guidance

- SPG 4 - KCC Parking Standards (2006)
- SPD4 - Householder Extensions/Alterations Design Guide (2021)

Consultations, Publicity and Representations

Local Ward Councillors

No comments received.

Natural England

No comments received.

GBC – Highways Officer

As presented I would recommend refusal, although some issues may be resolvable others may not.

- 1. Pedestrian visibility splays are 45°, right angled triangle, measures either side of the driveway and not from the centre of the drive. This can be corrected and conditioned to ensure there is nothing over 850mm high within the sight line.*
- 2. Vehicular visibility. The requirement is for a splay 2.4metres back from the edge of carriageway to a point 43metres to the left and right measured along the nearside kerb line. This can be achieved to the west, but to the west it passes over a neighbour's property over which the applicant has no control and the council only limited control on the height of any boundary treatment and none on landscaping. The proposed splay is already restricted by large columns either side of an historic gated access at the neighbour's property*



3. *If you are minded to consider approval. The applicant needs to justify the proposed parking and turning area for a large family car such as a BMW Series 5 or similar, by submitting appropriate tracked/swept path drawings for both proposed parking spaces with a vehicle of similar size parked in the adjacent space.*
4. *The applicant should note the requirements for Kent County Council as Highway Authority as detailed in their supplementary planning guidance SPG4 is for car parking spaces to be 2.5 metres wide, increasing to 2.7 metres wide when adjacent to an enclosing boundary, (wall and railings) which gives a minimum width of 5.2 metres and not the 4.8 metres shown.*

Note if approved the driveway should be constructed from a bound permeable material.

Neighbouring properties

The application was advertised by way of site notice letters to two surrounding properties. The consultation period expired on 26th May 2023 and no comments were received.

Analysis

Proposal

The proposal seeks the provision of a hardstand driveway, dropped kerb and concrete ramp to allow easy access for disability use.

The proposal shows a driveway width of some 12.77m due to the irregular shape of the hardstanding the drive will have varying depths. The proposal also shows a concrete ramp which will provide disability access to the main dwelling with the hardstanding being constructed using turf block pavers and soft planting on the sides to contribute towards biodiversity.

13. The sight line visibility from the proposed point of access to Old Road East at a 2.4 m 'x' set back distance would be about 50 m to the east and some 25 m to the west. Planning Policy Guidance:Highways Considerations in Development Control (PPG13) recommends sight line splays of 90 m in both directions at a 2.4 m 'x' set back distance where the speed limit on the major road is 30 mph. It also advises that whatever the type of access, good visibility is essential. Having regard to the sub-standard visibility that would be available at the point of access and the status of Old Road East as a District Distributor Road I conclude that the use of the proposed access would materially affect the safety of people using Old Road East contrary to the objectives of Policy T5.

12. The classified Old Road East is designated as a District Distributor Road in the Local Plan. The Council considers that the proposed access is an unnecessary additional hazard to highway safety since the property is already served by a rear vehicular access. You state that the existing access is dark and dangerous. However it seems to me that the installation of security lighting could assist in alleviating this concern and the existing arrangement provides a satisfactory alternative means of vehicular access.

(See Appendix 1 for full appeal decision)

The front garden is set behind a dwarf wall with a small footpath leading to the front door and side access way. During an officer site visit in April 2023, it was evident that there had been alterations to the land levels since a previous site visit which took place in February 2023, there were also works taking place to the rear of the property with trees being removed and burnt.

Images From February 2023



Images From April 2023



It is acknowledged that some of the properties on Old Road East have been granted vehicle cross overs however this does not set a precedent and each case is assessed on its own merits.

The revised proposal does demonstrate an increased level of biodiversity on to the site, however the submitted planning statement does not make clear what plants would be used. Should permission be forthcoming it will be necessary to impose a condition to ensure the biodiversity is maintained and details of the types of plants are provided prior to any works commencing on site. It is therefore considered that this element of the proposal satisfies the previous reason for refusal which related to a loss of biodiversity.



The introduction of hardstanding and subsequent alterations of the land levels in front of the application site will introduce a harsh urban development in place of soft landscaping which contributes positively to the locality and as such the proposed development is detrimental to the visual amenity of the street scene and character of the host dwelling. Therefore, the proposed development is contrary to Policy CS19 (Development and Design Principles) of the Gravesham Local Plan Core Strategy (2014) as well as Section 12 of the National Planning Policy Framework (NPPF) (2021) achieving well-designed places.

Amenity of Future Occupiers

Whilst it is acknowledged that the applicants have disability requirements on balance it is considered that this does not outweigh the significant risk posed in terms of highway safety.

The proposal would not result in any harm to the amenity of future occupiers of the property. As such in respect of amenity of future occupiers the proposal is considered to comply with SPG2 and Policy CS19 of the Local Plan Core Strategy 2014.

Neighbouring Amenity

The proposal would not result in any harm to the amenity of occupiers of surrounding properties. There would be no loss of sunlight, overlooking, overbearing or loss of outlook as a result of the proposal. As such in respect of amenity of occupiers of neighbouring properties.

Parking and Highways

Firstly, it is important to note that the purpose of this application is to provide a convenient parking space to the front of the property for the applicant and his wife who are both registered disabled persons. The nature of the disability means that the applicant and his wife having a hard time accessing their property and it is stated in the application that the narrow and steep pathway leading to the front door is a safety hazard in dry conditions, however this is exacerbated when it rains.

As the application is for a vehicle cross over the impact on parking and highway safety is a key consideration in the determination of this application. During the course of the application a number of concerns have been raised by the highways officer. The comments raised concerns relating to the plans incorrectly showing pedestrian visibility splays and vehicular visibility. It is noted that the plans could be corrected to adequately show the pedestrian visibility splays, and should permission be forthcoming this could be added as a prior to work commencing condition.

In a similar case for a proposed dropped kerb, the planning inspectorate ruled in favour of Worcester City Council as it was felt the introduction of a cross over was contrary to adopted guidance thus resulting in harm to highway safety. (See Appendix 2, APP/D1835/D/21/3292373)

The proposed parking is inadequate in size and fails to demonstrate adequate width for a vehicle parked in an enclosed boundary, the adopted guidance states there should be a minimum width of 5.2m, however the plans show a width of 4.8m. It would also be necessary for the applicant to demonstrate the proposed parking area could accommodate a large family car by way of submitting a tracked/swept path analysis. This could be requested prior to the Local Planning Authority determining the application should permission be forthcoming.

The concerns raised relating to vehicular visibility, stated that there are inadequate site lines to the west, something which was noted by the appeal inspector in 1992. Given the busy nature of Old Road East this would pose a significant highway hazard and would at some point in the future possibly be used to accommodate up to three vehicles which, will increase turning movements on and off of a highway which can be exceptionally busy during peak times.

It is also noted that there is scope for off road parking to the rear of the property, something which was noted by the appeal officer in 1992 and in the previously refused application under reference 20221317. The below garage is shown within the curtilage of the application site and could be used for parking, there is also scope for addition parking which can be access via Cross Lane East.



The applicants' personal circumstances have played a considerable part in determining this application and any forthcoming decision has not been taken lightly. The Local Planning Authority must carefully balance personal needs against highway hazards, and it is felt that the risk of introducing a vehicle cross over takes precedence in this instance, due to the increased risk to highway users. Whilst this may not be the desired outcome the Council has identified the option of accommodating off road parking to the rear of the property, therefore it is considered that the proposal cannot be supported on highway grounds and is contrary to the Local Planning Authorities adopted standards.

The proposed hardstanding and crossover is detrimental to highway safety and is therefore contrary to CS11 and CS19 of the Gravesham Local Plan Core Strategy 2014, Policy T5 Local Plan First Review (1994) and - KCC Parking Standards (2006).

Equalities Considerations

The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

In summary, the Council must, in the exercise of its function, have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- advance equality of opportunity between people who share a protected characteristic and those who do not;
- foster good relations between people who share a protected characteristic and persons who do not share it.

The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the decision maker, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.

The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value

The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:

- The essential guide to the public sector equality duty
- Meeting the equality duty in policy and decision-making
- Engagement and the equality duty
- Equality objectives and the equality duty
- Equality information and the equality duty

The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice.

The proposed provision of a hardstanding driveway dropped kerb and concrete ramp to allow easy access for disability use would not outweigh the highway danger limited visibility splays for the driveway. In addition, there is parking provision to the rear of the property. Full weight from all comments received in reaching a decision have been taken into account.

Human Rights Implications

In determining this application, the Council is required to have regard to the provisions of the Human Rights Act 1998. Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. “Convention” here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant including:

- Article 8: Respect for your private and family life, home and correspondence
- Protocol 1, Article 1: Right to peaceful enjoyment of your property

Along with any supporting material supplied by the applicant, this report has outlined the consultation that has been undertaken on the planning application and representations made to the Council as Local Planning Authority.

In determining the application, the Council needs to satisfy itself that the potential adverse amenity impacts are acceptable and that any potential interference with the above Convention Rights are legitimate and justified. Both public and private interests are to be considered in the exercise of the Local Planning Authority's powers and duties. Any interference with a Convention right must be necessary and proportionate. The Council must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

In making the recommendation on this application, consideration has been given to the requirements of the Human Rights Act. Where it is engaged, any interference in those rights is considered proportionate, lawful and in the public interest to secure the proper planning of the area in accordance with adopted policy, having regard to any other material considerations.

Conclusion & Recommendation

SPG4- Kent Vehicle Parking Standards July (2006) is supplementary planning guidance which has been adopted by the Local Planning Authority. This guidance provides set requirements for Kent County Council as Highway Authority. Section B.18 of the guidance states:

Access to car parks from the public highway will require the provision of adequate sight lines to ensure that highway safety is not compromised.

The proposal fails to provide adequate vehicular visibility and thus compromises highway safety.

Section 111 of the National Planning Policy Framework 2021 states:

Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Consideration has been given to the applicant's personal circumstances and balanced against the impacts on highway safety, furthermore consideration has been given to alternative options and such an option has been identified to the rear of the application site. It is considered that the impact on highway safety outweighs the applicants personal circumstances and so the application is recommended for refusal.

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

Case Officer:	Mrs Sharon Sahota	Team Leader:	Richard Hart
Signed:		Signed:	R Hart
Dated:	07/06/2023	Dated:	14th June 2023