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## Appeal Decision

Site visit made on 28 May 2019

**by Nicola Davies DipTP MRTPI**

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

**Decision date: 6 June 2019**

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**Appeal Ref: APP/K2230/D/19/3224124**

**2D The Avenue, Gravesend DA11 0NA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Sucha Singh Thami against the decision of Gravesham Borough Council.
  - The application Ref 20181017, dated 29 September 2018, was refused by notice dated 10 December 2018.
  - The development proposed is described as *"New front porch, widening front drop kerb, move front entrance door from side to front elevation. New bi-fold front gates"*.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. I have taken the proposed description of development from the planning application form although I note it is expressed differently on other documents.
3. A revised version of the National Planning Policy Framework ('the Framework') has been published since the planning application was determined by the Council. I have had regard to the revised Framework in reaching my decision.

### Main Issue

4. The main issue raised in respect of this appeal is the effect of the proposed development upon the character and appearance of The Avenue street scene and whether the proposed development would preserve or enhance the character or appearance of the Pelham Road/The Avenue Conservation Area (the CA).

### Reasons

5. I saw that the properties along The Avenue are set behind enclosed garden or courtyard frontages. The front boundaries vary from brick walls with piers, low walls topped by railings, hedges, with accesses interspersed. Whilst some properties have open frontages, in the main the residential properties along The Avenue predominantly hosted some form of boundary frontage. This established boundary line at the back edge of the pavement is a traditional characteristic feature of The Avenue and, therefore, this forms part of the character and appearance of this CA. This characteristic of the CA is an

important feature to the significance of this CA as a heritage asset of the Borough.

6. I note that an Article 4 Direction is in place the objective of which is, amongst other matters, to secure the retention of boundary walls and fences. The Council, in adopting this Direction, clearly considers the retention of the existing front boundaries to be important to the character and appearance of this CA. Indeed, those properties in which the front boundaries have been removed have, rather disappointingly, diminished the rhythm of traditional street frontage boundaries to some extent and this, to my mind, supports the Article 4 Direction that is in place, along with its aims and purpose.
7. I acknowledge that at present there is a wide access at the appeal property and, as such, there is a length of frontage that is not denoted by a front boundary. Nonetheless, there is a section of wall topped with railings and a railed pedestrian access gate to one side of the frontage. This provides some continuity to the established traditional frontage boundaries along The Avenue.
8. The proposal would increase the size of the existing opening and would result in the section of wall topped by railings being removed. I consider that the reduction in extent of the front boundary would erode a feature that contributes to the traditional front boundaries that characterise this CA. It would also conflict with the objective of the Article 4 Direction that is in place to secure the retention of street frontage boundaries. As such, the removal of the existing front boundary would detract both from the character and appearance of this CA and from the contribution it makes to the CA.
9. I note that new bi-folding gates are proposed along the open frontage. However, there does not appear to me to be any way of requiring the gates to be closed when access is not required. Therefore, the bi-folding gates would not realistically compensate for the reduction in existing boundary frontage.
10. I observed that some of the properties close by have railed gated accesses, but I also saw that those accesses formed part of a traditional front boundary, which is different to that being proposed here.
11. Turning to the proposed front porch extension, this element of the proposal, although it would increase the amount of development along the frontage of the property, would have a lesser projection than that of the existing front addition. Overall, this would be a relatively small addition to the front of the dwelling and would continue the flat roof design of the existing front extension. I do not consider the flat roof design of the porch and/or the additional bulk of building created along the dwelling frontage would appear appreciably out of context in this case as to necessitate a redesign to incorporate a hip roof.
12. For the reasons given above, I conclude that increasing the size of the front boundary opening along with the removal of the existing wall topped by railings would neither preserve or enhance the CA.
13. Given the size and scale of the proposal within the conservation area as a whole, I consider there would be less than substantial harm to the character and appearance of the CA. In accordance with paragraph 196 of the Framework, I must weigh the harm against the public benefit of the proposal. Although the widening of the access would allow for improved parking accessibility within the property frontage for the appellant, the benefit

to the public, in my view, would be minimal, and insufficient to outweigh the harm identified. I conclude therefore that increasing the size of the front boundary opening and the removal of the existing wall topped by railings would fail to accord with national policy.

14. For these reasons, I conclude that the proposed development would be harmful to the character and appearance of The Avenue street scene and would neither preserve or enhance the character or appearance of the CA. The proposal would, therefore, conflict with Policies CS19 and CS20 of the Gravesham Local Plan Core Strategy September 2014 and Saved Policy TC3 of the Gravesham Local Plan First Review November 1994. These policies seek, amongst other matters, development to conserve and enhance the character of the historic environment. The proposal would also fail to accord with those roles set out at paragraph 7 of the Framework, particularly in respect of the environmental role, therefore the proposal would not represent sustainable development.

### **Conclusion**

15. Having regard to the above findings, the appeal should be dismissed.

*Nicola Davies*

INSPECTOR