



Appeal Decision

Site visit made on 1 October 2019

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 November 2019

Appeal Ref: APP/K2230/W/19/3232377

5-7 St James's Road, Gravesend, Kent DA11 0HF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
- The appeal is made by Mr Anomol Kataria against the decision of Gravesham Borough Council.
- The application Ref: 20160965, dated 4 October 2016, was approved on 16 January 2018 and planning permission was granted subject to conditions.
- The development permitted is retrospective planning application in respect of creation of a vehicle access, layout of 5 no. customer parking bays, closing up between existing supermarket and store to create a store between also involving the external brick cladding of these buildings.
- The conditions in dispute are Nos. 2 and 3 which state that:
 - 2. Notwithstanding the submitted plans and within two months of the date of this permission details of external facing materials for the brick pier and front elevation of 7 St James Road and the constructed store area between 5 & 7 St James Road shall be submitted to and approved in writing by the Local Planning Authority. The pier and north elevation of 7 St. James Road and the store building shown on Drawing No.SR/27 B and SR/28B shall only be constructed in accordance with the details approved pursuant to this condition and the pier and the external facing materials as approved shall be completed within 3 months of the discharge of the details submitted pursuant to this condition. Thereafter the wall and external facing materials as approved shall be maintained.
 - 3. Notwithstanding the submitted plans and within two months of the date of this permission details of the hardstanding for the site including marking out of the parking spaces as shown on Drawing No. SR/27B shall be submitted to and approved in writing by the Local Planning Authority. The approved hardstanding shall only be constructed in accordance with the details approved pursuant to this condition and shall be completed within 3 months of the discharge of the details submitted pursuant to this condition. Thereafter, the parking spaces shall be used in connection with the A1 retail use and not be used for any purpose other than the parking and turning of vehicles in connection with the use of the site as an A1 (General Retail) premises, as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended).
- The reasons given for the conditions are:
 - 2. In the interests of visual amenity in accordance with Policies CS19 and CS20 of the Gravesham Local Plan Core Strategy (2014).
 - 3. In the interests of visual amenity in accordance with Policies CS19 and CS20 of the Gravesham Local Plan Core Strategy (2014).

Decision

1. The appeal is dismissed.

Procedural Matters and Background

2. The appeal documents refer to the street name as both 'St James Road' and 'St James's Road'. On my site visit, I noted a street sign confirming the road name as 'St James's Road'. I have therefore used this spelling.
3. I note that the appeal documentation refers to the appeal site as being both 3-7 St James's Road and 5-7 St James's Road. The appeal form and the Council's delegated report refer to the site's address as being 5-7 St James's Road, which is consistent with the details shown on the submitted plans. I have therefore proceeded on this basis.
4. Planning permission was granted in 2018 for a storage building, the creation of car parking areas, new vehicular access (including alterations to a front boundary wall) and new cladding. This permission was subject to several conditions. These included a requirement to agree the external facing materials for the new store and an existing building, the materials to be used in the alterations to the wall and the surfacing treatment of the car parking area.

Main Issue

5. The main issues are:
 - whether the condition in respect of facing materials is necessary and reasonable, having regard to the character and appearance of the area; and
 - whether the condition in respect of surface treatment is necessary and reasonable, having regard to the character and appearance of the area.

Reasons

Facing materials

6. The appeal site consists of a low-level building, in a prominent location. The building is adjoined by a similarly proportioned commercial building. A further notable feature is the presence of a stone wall adjacent to the front boundary. The surrounding buildings are generally residential properties, constructed using a traditional palette of materials and mainly date from the 19th century. Many of these dwellings are within the Overcliffe Conservation Area (the CA).
7. The site is in proximity to the CA. This means that the development is viewed alongside the more historic dwellings, which contain a distinctive palette of materials. Accordingly, it is a requirement of planning policies that developments near to heritage assets (such as a CA) be managed in order to ensure that their setting is not subjected to unwarranted harm.
8. The extension occupies a prominent position as it is clearly visible from several different viewpoints in St James's Road, in addition to its junction with St James's Street. Owing to this level of prominence and the good quality of the surrounding built environment, it is necessary for the materials of the development to be controlled in order to ensure that these harmonise with the original building and its surroundings.
9. In addition, the stone wall at the front of the site is a notable feature, which makes a significant contribution to the definition of the area's character. Given that the permitted development would result in alterations to the wall that are yet to be completed, such as the piers, it is therefore important that the

materials are controlled in order to ensure that the new elements are complimentary to the retained sections, as well as to manage the impacts on the character and appearance of the surrounding area.

10. I acknowledge that the appellant has tried to agree details of materials with the Council, and that there is some disagreement between the main parties regarding these. However, in considering this appeal, it is incumbent upon me to assess the appropriateness of the contended condition rather than to assess the merits of the materials previously submitted for consideration by the Council, or any other alternative.
11. I therefore conclude that the condition is necessary and reasonable in the interests of maintaining the character and appearance of the surrounding area. Removal of the condition would, in this regard, cause significant conflict with the requirements of Policies CS19 and CS20 of the Gravesham Local Plan Core Strategy (2014) (the Core Strategy). These policies, amongst other matters, seek to ensure that the design of new developments should be derived from an analysis of local context and character, and preserve or enhance the setting of heritage assets.

Surface treatments

12. The property features an area of hardstanding to the side which has been used for parking. Several of the surrounding properties feature parking areas or driveways. These are generally hard surfaced, including a prevalence of block paving.
13. Therefore, the character of the area is defined by the presence of buildings being set back from the highway. As a result of this, and the general good quality of the surrounding built environment (a notable proportion of which is within the CA), it is important that changes to this environment are carefully managed. This is to ensure that any such alterations are sympathetic to their surroundings and are complimentary to nearby sites.
14. As a result, a condition that requires the agreement of such details is necessary and reasonable as otherwise the Council, as local planning authority, would not be able to manage such changes and, potentially, any form of surface treatment could be installed at the appeal site. It is possible that the impacts of some alternatives may cause harm to the character of the surrounding area, including the CA.
15. I have noted that the appellant has endeavoured to come to agreement with the Council regarding surface treatments. However, my role within this process is to assess whether the condition is necessary and reasonable rather than to consider the suitability of the materials requested by the Council, or whether there is an alternative with similar or lower impacts.
16. I therefore conclude that the condition is necessary and reasonable in the interests of maintaining the character and appearance of the surrounding area. In this regard the removal of the condition would cause significant conflict with the requirements of Policies CS19 and CS20 of the Core Strategy. These policies, amongst other matters, seek to ensure that the design of new developments should be derived from an analysis of local context and character, preserve or enhance the setting of heritage assets and that car parking areas are well related to the developments that they serve.

Other Matters

17. My attention has been drawn to examples of other developments in the surrounding area, which contain the type of materials favoured by the appellant. I do not appear to have information regarding the planning circumstances of these but note that they occur relatively infrequently within the surrounding area. In consequence, I do not believe that they define the character of the environs of the appeal site. Therefore, I do not believe that they outweigh my previous conclusions.
18. I acknowledge concerns raised by the appellant regarding the way in which advice has been provided by the Council. However, in considering this appeal I have limited my considerations to the planning matters before me.

Conclusion

19. For the preceding reasons, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR