



Appeal Decision

Site visit made on 21 February 2022

by Nicola Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 March 2022

Appeal Ref: APP/K2230/W/21/3277383

48 Northridge Road, Gravesend, DA12 5AY

- 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 Mrs Judith West against the decision of Gravesend Borough Council.
 - The application Ref 20210150, dated 22 March 2021, was refused by notice dated 17 May 2021.
 - The development proposed is demolition of existing garage and outbuilding and erection of a detached 2-bedroom dwelling with parking, EV charging point, photo voltaic panels and solar thermal panels fitted to the roof.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. 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 Issues

3. The main issues raised by this appeal are the effect of the proposed development upon: -
 - a) The character and appearance of the area;
 - b) The living conditions of future occupiers; and
 - c) Highway safety in respect of the accesses.

Reasons

Character and appearance

4. The surrounding area is characterised by predominantly terraced properties, although there are some detached/semi-detached properties along Jellicoe Avenue West beyond the adjoining primary school. To the bottom of the rear gardens of properties along Northridge Road are single storey garages and outbuildings accessed from an adjacent alleyway.
5. The proposed dwelling would front onto Jellicoe Avenue West much in the same way as the other detached/semi-detached two-storey dwellings further along this street scene. Indeed, this can be seen from the photograph provided by the appellant showing a street view of Jellicoe Avenue West. However, the

existing garage forms part of the row of single storey structure at the rear of the terrace. The adjacent school, although having rooms within the roof, is low in height. Being a two-storey building the proposed dwelling would be out of keeping within the context of these existing single storey structures and the school. Being a large building, it would appear as a discordant feature within this part of the street scene. Being out of keeping, the proposed development would be visually harmful for this reason.

6. Further to the above, the proposed dwelling would be constructed in very close proximity to three of four of its boundaries. It would appear visually cramped within the site. This would be an additional visual harm arising from the proposed development.
7. For these reasons, I conclude that the proposed development would be harmful to the character and appearance of the area. The proposal would, therefore, conflict with Policy CS19 of the Gravesham Local Plan Core Strategy and Section 12 of the Framework. This policy and the Framework seek, amongst other matters, development to be visually attractive enhancing the character of the local built environment and to integrate into the surrounding local area to achieve well designed places.

Living conditions

8. Gravesham's Residential Layout Guidelines advocate a privacy distance of 21m to be provided between the windows of habitable rooms and the private garden of any dwelling. The Council has advised that the privacy distance between the rear windows of the terraced properties and the private outdoor living space relating to the proposed dwelling to be approximately 15.5m. The Guidelines define habitable rooms as bedrooms and living areas. The garden would be directly overlooked from the existing terrace dwellings.
9. The existing back gardens may be already overlooked by the occupiers of the existing properties along Northridge Road. Nonetheless, the garden is an area of outdoor living space in which the future occupiers should expect to enjoy a reasonable amount of privacy. Being overlooked by the occupiers of existing properties in close proximity would be harmful to the living conditions that the future occupiers should reasonably expect to enjoy.
10. The appellant has indicated a willingness to accept a landscape planning condition. Landscaping might obviate the harm that I have identified above but it would need to be of some height. Tall landscaping could raise other planning concerns in relation to the development having an oppressive enclosing effect upon the living conditions of both existing and future occupiers. Therefore, I am not satisfied that such a planning condition could ameliorate the harm arising from the development sufficiently to allow permission to be granted.
11. For these reasons, I conclude that the proposed development would be harmful to the living conditions of future occupiers. The proposal would, therefore, conflict with Policy CS19 of the Local Plan, Gravesham's Residential Layout Guidelines and Section 12 of the Framework. That policy and the Framework seek, amongst other matters, development to safeguard the amenity, including privacy, daylight and sunlight, of its occupants and to provide a high standard of amenity for existing and future users.

Highway safety

12. Pedestrian visibility splays of 2m by 2m are required either side of the new access at Jellicoe Avenue West. The site is close to the primary school. Visibility splays are important for pedestrians, particularly as they may have young children, to enable them to anticipate danger from a vehicle exiting a site. Without the appropriate visibility splays the proposal would pose a serious highway hazard to those using the public footpath adjacent to the proposed development. Visibility splays could be secured by the imposition of an appropriately worded planning condition. However, given there are likely to be a significant number of young children passing the site, I consider it prudent to ensure that acceptable visibility splays can be achieved prior to granting planning permission.
13. Kent County Council's (KCC) Vehicle Crossing Guidance and Self-Assessment sets out that if the location of a proposed crossing is closer than 10m to a road junction it would create a serious hazard. The proposed crossover to the front of No 48 would be extremely close to the junction of Jellicoe Avenue West and would not satisfy this criterion. However, the appellant has indicated that she wishes to delete this crossover from the proposal. I, therefore, have not considered the merits of this particular crossover any further with regard to KCC's Vehicle Crossing Guidance and Self-Assessment. That said, the removal of the crossover would remove the parking spaces proposed associated with 48 Northgate Road. This could give rise to parking standards concerns.
14. For these reasons, I conclude that the proposed development would not create safe access onto Jellicoe Avenue West and as such would be harmful to highway safety in respect of this access. The proposal would, therefore, conflict with Policy CS11 of the Local Plan, saved Policy T5 of the Gravesham Local Plan First Review and the Council's Planning Guidance Note 6: Planning Policy for Vehicular Accesses to Classified Highways. These policies and the Framework seek, amongst other matters, that no danger arises by the formation of new accesses and to create places that are safe.

Other Matters

15. The Council has highlighted that the proposed development would have a negative impact on the Special Protection Areas and Ramsar sites and a financial contribution is required to mitigate the potential adverse effects resulting from the development as a result of increased recreational disturbance. However, given that I am dismissing this appeal for other reasons it has not been necessary for me to consider this matter in any further detail.

Planning balance

16. The Council advises that the housing land supply position is 3.27 years. The scale of shortfall is significant. If there is not a five-year supply of deliverable sites in place, the provisions of paragraph 11d) of the Framework should be applied.
17. Given the proposal would be harmful to the character and appearance of the area, the living conditions of future occupiers and would raise highway safety issues, this brings the proposal in conflict with the development plan when read as a whole.

18. On the other hand, the Government's objective is to significantly boost the supply of homes and recognises that previously developed land and cumulative impact of developing small sites can help meet supply. However, one dwelling would make little difference to the overall supply of housing and the support one extra household would provide to the social and local economy would also be minimal. Even with an acute shortfall in housing land supply, the harm that I have identified is not outweighed by the contribution to housing land supply or those limited social and economic benefits associated with the proposal.
19. Consequently, the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

20. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given, the appeal should be dismissed.

Nicola Davies

INSPECTOR