



Appeal Decision

Site visit made on 22 February 2022

by Elizabeth Lawrence BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th March 2022

Appeal Ref: APP/K2230/W/21/3286036

66 Livingstone Road, Gravesend, Kent, DA12 5DY

- 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 Dinh Frain against the decision of Gravesend Borough Council.
 - The application Ref 20210531, dated 24 March 2021, was refused by notice dated 10 August 2021.
 - The development proposed is described as application for installation of dropped kerb and changing front garden into driveway.
-

Decision

1. The appeal is dismissed.

Preliminary matters

2. The submitted drawings indicate that the proposed hard landscaping within the front garden would be surfaced with embedded concrete, whilst the application form states that it would be block paved. In their appeal statement the appellant has confirmed that the materials on the drawing are incorrect and that the proposed hard surfacing in the front garden would be permeable/porous block paving. I am satisfied that this is a detail that could be satisfactorily dealt with by the imposition of a condition.
3. The appellant has commented that they would be willing to amend the proposal by reducing the width and changing the surface material for the crossover. Also, that they would be willing to minimise the footprint of the proposed parking area so that it accommodates just one vehicle. These changes would result in a material change to the nature and appearance of the proposal. As these changes have not been formally considered by the Council, or been the subject of public consultation I am unable to take them into account in relation to this appeal. Accordingly, I confirm that this appeal is based solely on the scheme that was determined by the Council.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the street scene and its impact on biodiversity.

Reasons

5. The appeal property is located within one of a number of cul-de-sacs within Livingstone Road, which is characterised by terraced dwellings which step up to the west as the ground level rises. The dwellings on the north side of the road sit below the road level and those on the south side of the road are elevated above the road level.
6. The dwellings fronting into the cul-de-sac are set back from the road behind low walls and hedges and to the front of the gardens are narrow pavements, wide verges and a narrow access road. Whilst these verges are a feature of Livingstone Road, two of the dwellings in this cul-de-sac have vehicle crossovers and there are numerous crossovers within Livingstone Road in general.
7. These crossovers and on-site parking spaces have varying impacts on the character and appearance of the street scene. This largely depends on their location within the street scene; the location and amount of verge to be lost; the width of the crossovers; and the extent of hard surfacing and soft landscaping within the gardens concerned. There is also some parking within rear gardens, which is accessed via narrow access tracks.
8. Whilst the soft planting within the front gardens and the grass verges contribute to the suburban character and appearance of the locality, parts of the verges are used for on-street parking. These areas have become damaged, are largely devoid of grass and are unsightly. They have a degrading impact on the street scene.
9. The appeal dwelling is located at the eastern end of the cul-de-sac and sits at a slightly lower level to the highway. The front garden to the appeal property is partly hard surfaced and partly laid to lawn. Parts of the grass verge to the front of the property is badly worn due to on-street parking and the adjoining property at 64 Livingstone Road has a vehicle crossover.
10. Together and amongst other things Policy CS19 of the Gravesham Local Plan Core Strategy 2014 (CS), requires new development to be visually attractive, fit for purpose and that it should conserve and enhance the character of the local built environment. It should also protect biodiversity and opportunities to enhance biodiversity are encouraged. Paragraph 130 of the National Planning Policy Framework 2021 (the Framework) is consistent with this.
11. The proposed crossover would be 4.5 wide and as such would create a significant visual break in the grass verge. This would outweigh the visual benefits of removing the unsightly area of damaged verge. In addition, virtually all of the existing area of front garden lawn would be block paved, leaving very little space for soft planting. The frontage to the dwelling would appear uncharacteristically hard and would have an urbanising impact on the street scene.
12. As a result the proposal would unacceptably detract from the visually soft suburban character and appearance of the street scene. This harm would be exacerbated by the associated negative impact on the level and quality of biodiversity in the locality, due to the loss of verge and lawn. It would outweigh the benefits for the appellant and their family that would result from the provision of on-site parking and the potential to install an electric car charging point. It is also something that could not be satisfactorily addressed through the imposition of conditions.

13. The appellant has referred to an application for a Certificate of Lawfulness for works elsewhere in Livingstone Road. From the limited information supplied it would appear that the application was made to establish whether or not the proposal required planning permission. In assessing such an application, the removal of trees or verges would not in itself be material. Conversely, the appeal relates to an application for planning permission and so the merits of the scheme need to be assessed against the prevailing planning policies.
14. With regard to the existing crossovers and decisions referred to by the appellant and the Council, limited details are provided. However, where the schemes required planning permission they would have similarly needed to be assessed in accordance with the prevailing planning policies and on their individual planning merits.
15. For these reasons I conclude on the main issue that the proposal would unacceptably harm the character and appearance of the street scene and would have a negative impact on biodiversity. Accordingly, it would conflict with LP Policy CS19 of the LP and section paragraph 130 of the Framework.

Elizabeth Lawrence

INSPECTOR