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# Appeal Decision

Site visit made on 9 November 2022

**by David Smith BA(Hons) DMS MRTPI**

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

**Decision date: 15 November 2022**

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**Appeal Ref: APP/K2230/W/21/3284659**

**7 The Turnstones, Gravesend, DA12 5QD**

- 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 Sukhdeep Randhawa against the decision of Gravesend Borough Council.
  - The application Ref 20210788, dated 19 June 2021, was refused by notice dated 30 July 2021.
  - The development proposed is demolition of existing 4 bed bungalow and double garage. Erection of 1 no detached 5 bed two storey house and 1 no detached 4 bed two storey house.
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## Decision

1. The appeal is dismissed.

## Main Issues

2. These are:
  - The effect of the proposed development on the character and appearance of the surrounding area; and
  - The effect on the integrity of the Thames Estuary and Marshes Special Protection Area (SPA).

## Reasons

### *Character and appearance*

3. The appeal site contains a bungalow and detached garage. It lies within a small housing estate developed in the 1980s. The southernmost section that includes No 7 has a shared surface and the two-storey houses are arranged fairly informally around this end of the meandering cul-de-sac. Although the individual dwellings vary in design there is a consistency of materials, forms and sizes which gives rise to a harmonious street scene.
4. The spacing and positioning of the proposed houses would reflect that found in The Turnstones. However, compared to the modest family properties nearby, the house on Plot 2 would be the largest on the estate. It would be wider than the norm and its roof would be bulky and lead to a top-heavy rather than well-proportioned appearance. Its magnitude would appear greater than Nos 8 and 9 as these houses are smaller in themselves and linked by conjoined garages with separate roofs. Within the immediate context of similar types and scale of buildings, the dwelling on Plot 2 would be jarring and awkward and so would have a negative impact on the locality.

5. One of the themes within the area is the extensive use of gable ended roofs. The proposed main hip on Plot 1 as proposed would be at odds with this. The existing frontage is largely grassed with some planting but would be replaced by quite extensive parking areas. Surrounding properties are not generally dominated by hard surfaces and the proposal would also detract in this respect. These considerations add to the harm that would be caused by the excessive size of the house on Plot 2.
6. The existing bungalow is not typical of the housing nearby and occupies a large plot but single storey dwellings are common features in residential areas. In any event, replacing it with a scheme that fails to achieve good design is not justified. The proposed development would be screened from the north by the tree line alongside the area of open space that adjoins the site. However, the proposal would be clearly visible from within The Turnstones.
7. Although the appellant has made changes in response to concerns raised, there would nonetheless be harm to the character and appearance of the surrounding area. As it would not integrate well the proposal would be contrary to Policy CS19 of the Gravesham Local Plan Core Strategy of 2014 which contains development and design principles.

#### *Integrity of the SPA*

8. The Thames Estuary and Marshes SPA supports important numbers of wintering and migrating birds. Because the appeal site is within 6km of the SPA, the proposal has the potential to affect its features of interest. In combination with other development in Gravesham, an additional dwelling would be liable to lead to increased recreational disturbance. There would therefore be a likely significant effect on the SPA.
9. To mitigate this impact the Council expects a financial contribution to be made. The appellant considers that this can be dealt with if the appeal were successful. However, an appropriate assessment needs to be undertaken as part of the decision-making process and there is no mechanism in place to secure the necessary financial sum. As a result, the proposal would adversely affect the integrity of the SPA and would be contrary to Local Plan Core Strategy Policy CS12 which requires sites designated for their biodiversity value to be protected. Moreover, in these circumstances, the Conservation of Habitats and Species Regulations preclude the proposal from proceeding.

#### **Other Matters**

10. The Council cannot demonstrate a five year housing land supply. The latest information is that this is equivalent to 3.27 years. Furthermore, the delivery of housing is substantially below that required by the Housing Delivery Test (less than 75%). The Council also accepts that its housing delivery policies are out of date. However, paragraph 182 of the National Planning Policy Framework confirms that the presumption in favour of sustainable development, set out in paragraph 11, does not apply where it has been concluded that the plan or project would adversely affect the integrity of a habitats site.
11. Policy CS02 of the Local Plan Core Strategy sets out the development strategy for the scale and distribution of development in the Borough. This prioritises development in the urban area as a sustainable location. Moreover, the

Framework establishes that great weight should be given to the benefits of using suitable sites within existing settlements for homes.

12. A previous appeal in 2011 for a dwelling next to the existing bungalow was dismissed on the grounds that it would be cramped and incongruous but this proposal is materially different.
13. There is first-hand evidence from longstanding local residents that the existing bungalow suffered from subsidence in the past which required underpinning. The Framework indicates that planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability. Furthermore, that in those circumstances, responsibility for securing a safe development rests with the developer and/or landowner. No technical information has been provided in this respect.
14. Other concerns have been raised including the effect on the boundary trees, parking and access issues during construction and overlooking of properties in The Sandpipers. However, there is no need for these to be considered in detail. Owing to the previous landfill site, a gas impermeable membrane would need to be incorporated if development were to go ahead.

### **Conclusion**

15. The proposed houses would be within the urban area where development is favoured by both the Local Plan Core Strategy and the Framework. However, the design would harm the character and appearance of the area. Furthermore, the proposal would adversely affect the integrity of the SPA. This is an overriding consideration.
16. Overall the proposed development would be contrary to the development plan and there are no other material considerations which outweigh this finding. Therefore the appeal should not succeed.

*David Smith*

INSPECTOR