
Appeal Decision

Site visit made on 17 November 2022

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date 12th December 2022

Appeal Ref: APP/K2230/D/22/3306720

85 Chalk Road, Gravesend DA12 4UT

- 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 Ms Dawn Mumbray against the decision of Gravesend Borough Council.
 - The application Ref 20220492, dated 30 May 2022, was refused by notice dated 20 July 2022.
 - The proposed development is the formation of a vehicular access with a hardstanding in the front garden.
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Decision

1. The appeal is allowed and planning permission is granted for the formation of a vehicular access with a hardstanding in the front garden at 85 Chalk Road, Gravesend DA12 4UT in accordance with the terms of the application, Ref 20220492, dated 30 May 2022, subject to the conditions in the attached schedule.

Preliminary Matter

2. I have used the Council's description as contained in the decision notice as it better reflects the development proposed.

Main Issues

3. The main issues are the effect of the development on:
 - the character of the dwelling and the surrounding area;
 - biodiversity; and
 - the provision of parking.

Reasons

Character and appearance

4. The appeal site consists of a two-storey, end terrace dwelling on Chalk Road. There is a driveway running along the side boundary that accesses outbuildings to the rear of properties in the row. The locality is mainly residential in nature with other hardscaped frontages evident creating parking spaces for the houses.

5. The proposal to introduce a vehicular access with a hardstanding in the front garden would therefore be similar to the way other dwellings close to the appeal site are provided with off-street parking. Consequently, the appeal scheme would not look out of place in this location. The considerable variety in the appearance of frontages in the area ensures that the scheme would assimilate without causing undue harm to the visual amenity of the locale. As such the proposal would not be detrimental to the character or appearance of the area.
6. I note the Council's argument that other hardstandings to the front of properties in the area are harmful, however technically the existing front garden to the appeal site is also predominantly hardscaped with stones and a tiled pathway. I consider that in this context the proposal would not be so injurious as to warrant a dismissal of the appeal on this ground.
7. I conclude that the scheme would not result in harm to the character and appearance of the dwelling and the surrounding area. It would accord with Policy CS19 of the Gravesham Local Plan Core Strategy 2014 (CS), which seeks to secure new development of acceptable scale and appearance. It would also be consistent with the National Planning Policy Framework (the Framework), which states that good design is a key aspect of sustainable development.

Biodiversity

8. The existing vegetation is relatively limited in its extent and would be unlikely to provide a valuable habitat for wildlife. I have no robust evidence, for example from a qualified ecologist, that its loss would be harmful to biodiversity.
9. I am satisfied that a condition requiring new soft landscaping elsewhere on the frontage would counterbalance any concerns in this respect; the appellant has submitted an indicative plan (DM/04A) showing that this can be achieved. The proposal would be in accordance with policy CS12 of the CS that seeks opportunities to enhance and maintain habitats in the Borough. It would also be consistent with the Framework, which states that planning decisions should enhance the natural and local environment.

Parking provision

10. There is an existing garage at the bottom of the rear garden of the appeal site. Whilst technically the appeal proposal would result in an over-provision of parking for the 3-bed dwelling, I am mindful that the garage is inconveniently located for occupants of the property to use on a regular basis. I also appreciate that frontage parking in close proximity to the house would better facilitate the transition to electric vehicles and the provision of conveniently-located charging points.
11. The scheme would represent a technical breach of the Kent County Council Parking Standards and thus conflict with the development plan. However, given my reasoning on the other main issues, and in the absence of clear and salient planning harms relating to the over-provision of parking on the appeal site, the weight to be afforded to this conflict, in the specific circumstances of this case, is limited. The scheme would otherwise broadly accord with the Framework which expects, amongst other things, parking to be integral to the design of schemes.

Conditions

12. I have considered the imposition of conditions in light of advice in Planning Policy Guidance and the Framework. In addition to the standard implementation condition, a condition requiring the development to be carried out in accordance with the submitted drawings is reasonable and necessary for the avoidance of doubt and in the interests of proper planning.
13. A soft landscaping condition would ensure planting to improve the appearance of the development and provide biodiversity opportunities. Conditions requiring crossover construction to the Highway Authority's specification, appropriate pedestrian visibility splays and restricting the installation of gates are imposed in the interests of highway safety. A drainage scheme should be submitted to ensure that the principles of sustainable drainage are incorporated.

Conclusion

14. Based on the above and all matters raised, the appeal succeeds.

C Hall

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: DM/01, DM/02, DM/04A.
- 3) The vehicular access hereby permitted shall not be brought into use until there shall have been submitted to and approved in writing by the LPA a scheme of soft landscaping to the frontage of the property.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the development; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 4) The vehicular access hereby permitted shall not be brought into use until a vehicular crossover (dropped kerb) has been constructed in accordance with the Highway Authority's specification and requirements and with the written approval of the Highway Authority having first been obtained. The vehicle crossover shall be commensurate with the width of the vehicular access as hereby permitted and thereafter maintained.
- 5) Before the access hereby permitted is first brought into use 2.0m by 2.0m pedestrian visibility splays shall be provided at the back edge of the footway on

either side of the vehicular access and thereafter no boundary wall, fence or other means of enclosure or obstruction (including planting) exceeding 600mm in height shall be erected or placed within the visibility splays.

- 6) No gates shall be installed across the vehicular access and driveway hereby permitted at any time.
- 7) The vehicular access hereby permitted shall not be brought into use until a proposed drainage strategy including the use of a bound permeable material for the hard standing has been submitted and approved by the Local Planning Authority. The development shall be carried out in accordance with the strategy and thereafter maintained.