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## Appeal Decision

Site visit made on 15 March 2023

**By Terrence Kemmann-Lane JP DipTP FRTPI MCMI**

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

**Decision date: 29<sup>th</sup> March 2023**

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**Appeal Ref: APP/K2230/D/22/3313160**  
**105 Darnley Road, Gravesend, DA11 0SQ**

- 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 Ellen Madamombe against the decision of Gravesend Borough Council.
  - The application Ref 20220677, dated 22 June 2022, was refused by notice dated 10 October 2022.
  - The development proposed is creation of a vehicular access to driveway.
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### Decision

1. The appeal is dismissed

### Main Issues

2. The main issues in this case are: i) the effect of the proposal on the character and appearance of the conservation area; and ii) the effect on highway safety in respect of visibility splays and sightlines on a corner junction.

### Reasons

3. The appeal site comprises a semi-detached house, situated at the junction of Darnley Road with Trafalgar Road. It is situated in the Darnley Road Conservation Area. The council states that the house has been noted as a positive building on the Darnley Conservation area map as well as a building of local interest, and as such is considered to contribute significantly to the character of the conservation area. There is a statutory duty, under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 199, to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
4. The property is within a group of 3 semi-detached pairs of similar design. They are of 3 storeys with semi basements, set under hipped roofs with white plastered walls. Number 105 has lost some of its original features, but certainly makes a positive contribution to the conservation area in itself and has value as part of the group. The house is set back from Darnley Road with a low front wall and gate, and a higher rendered wall curving round from the flank on Trafalgar Road. There are shrubs behind the walls and a footpath leading up to the steps which serve the front door. As I saw at my site visit, there is a garage with a vehicular access to the rear of the property from Trafalgar Road which provides off road parking.

5. The proposal would remove the low brick wall and gate, leaving the curved wall in place. The soft surfacing and shrubs would be removed and the whole of the forecourt would become hardstanding, with a dropped kerb allowing for it to be used for vehicle parking. The neighbouring houses have had the frontages opened up in this way, resulting in a rather barren and utilitarian appearance. Certainly the soft landscaping that can also be seen in much of the road contributes significantly to the visual appearance and improves the amenity of the local street scene.
6. The council has produced a Darnley Road Conservation Area Character Appraisal. Within this it is noted (page 15) *"However, the generous front garden space has led to many frontages being converted to vehicular hardstandings, and this has resulted in the loss of many boundary treatments, trees and areas of bedding. This has had a detrimental effect on the character of this Conservation Area, particularly around the car parking in front of the shops of the northern end of Darnley Road"*, and on page 21 it is stated that *"the loss of front gardens which have been converted to hardstandings is a principal negative feature of the area"*.
7. For the appellant it is argued that the appeal proposal would not detract from the overall appearance, character and openness of the existing built form within the Conservation area, and that the scale, mass and proportions of the appeal proposal would remain subordinate to the overall scale, mass and proportions of built forms within the locality. I do not agree with this assessment. For the reasons given in the Character Appraisal that I have quoted above, I consider that the loss of boundary treatments including shrubs and the conversion of front gardens into hardstandings proposed in this appeal would be detrimental to the character and appearance of the conservation area. Whilst there are examples of where this has already occurred, those examples reinforce the conclusion that I have reached, and do not justify further harm.
8. Turning to the second issue, the visibility to the south for vehicles exiting from the proposed hardstanding would be severely affected by the wall and shrubs on the boundary with Trafalgar Road. As is noted by the appellant, Trafalgar Road is a one way highway, with no entry from Darnley Road. Therefore, it is argued, the vehicle movements at this junction are significantly reduced which, in turn, substantially diminishes the risk of conflicting manoeuvres at the junction. Thus, it is argued, the proximity of the proposed access to the junction would not compromise highway safety. Furthermore, it is said that the configuration and dimensions of the driveway (8.5m by 7.1m) would allow for vehicles to turn on site and exit in a forward gear, and the proposed width of the crossover would ensure adequate visibility in both directions.
9. In my opinion there would be no adequate visibility at the back edge of the public footway, and the one-way traffic flow on Trafalgar Road would mean that vehicles exiting onto Darnley Road and turning right would be on the carriageway in the immediate vicinity of the exit from the hardstanding area. I also note the comments of the council's highways officer, quoted in the planning officer's report, which suggests that the footway crossing would not meet the highway authority's guidance. These matters lead me to conclude that the proposal would be harmful to highway safety because of the lack of visibility splays and sightlines on a corner junction. Whilst not proposed, the

removal of the wall and shrubs, which could mitigate the situation, would not be acceptable from the point of view of the character and appearance of the conservation area.

### **Conclusions**

10. For the reasons given above, I conclude that the proposed development would be harmful to the Darnley Conservation area, and to allow it would not accord with the duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. In addition, the proposal would have a harmful effect on highway safety in respect of the lack of visibility splays and sightlines on a corner junction. Therefore I will dismiss the appeal.

*Terrence Kemmann-Lane*

INSPECTOR