



Appeal Decision

Site visit made on 6 February 2024 by Ifeanyi Chukwujekwu BSc MSc MRTPI
MIEMA CEnv

Decision by Chris Forrett BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th May 2024

Appeal Ref: APP/K2230/D/23/3331375

128 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 Trudy Hussey against the decision of Gravesham Borough Council.
 - The application Ref 20230841, dated 20 August 2023, was refused by notice dated 9 October 2023.
 - The development proposed is drop kerb in carriageway tarmac drive in grass verge.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.
3. On 19 December 2023, the Government published a revised National Planning Policy Framework (the Framework). However, as any policies in the Framework that are material to this decision have not fundamentally changed, I am satisfied that this has not prejudiced any party and I have made my recommendation on this basis.

Main Issues

4. The main issues are the effect of the proposal upon the character and appearance of the area and on biodiversity.

Reasons for the Recommendation

Character and appearance

5. The appeal site is occupied by a two-storey mid-terrace dwelling located in a cul-de-sac off the primary section of Livingstone Road. The property currently has a paved driveway to the front, with a footway and grass verge separating it from the road. The surrounding area is residential and is characterised by properties with raised front gardens and grass verges on either side of the road. Although the grass verge in front of the appeal property has been eroded by unauthorised vehicles crossing over the grass verge, the grass verges on either side of the road contribute positively to the character and appearance of

the area by providing soft landscaping to separate the hard surfaces of the footway and road which dominate the streetscene.

6. The proposal would provide a crossover from Livingstone Road onto the driveway at the front of the appeal property including a dropped kerb. The replacement of grass with hard surfacing would harden the appearance of the streetscene and result in harm to the appearance of the cul-de-sac, where the grass verges are currently uninterrupted. The addition of the dropped kerb and access would also allow for vehicles to be parked in the former grass verge which would further harm its appearance. This was also evident at other properties in the area when I undertook my site visit.
7. In coming to the above view, I acknowledge that there are several other properties in the surrounding area which have driveways and crossovers. Some of these have been referred to by the appellant. Although they are also on Livingstone Road, they are not located within the same cul-de-sac as the appeal property. Therefore, these examples do not influence the immediate context of the appeal site and hence, as none of the properties directly surrounding the site benefit from a crossover, I can only give this limited positive weight.
8. The appellant has indicated that the proposal would enable the residents of the property to park their car on their frontage so that they would be able to charge an electric car. However, the application does not provide any details of such a charging point. In any case, the benefit to be gained by that is not outweighed by the adverse impact that the proposal would have on the visual appearance and character of the street.
9. In addition to the above, I acknowledge that the appeal property benefits from a rear access driveway. However, this is relatively narrow and to enable a vehicle to park in the rear garden would remove a sizable proportion of the available private amenity space for the host property. Taking that into account, the availability of such a rear access is not sufficient reason to withhold permission for a new access to the property frontage. However, that does not outweigh the harm I have found.
10. Consequently, I find that the proposed development would have a harmful impact on the character and appearance of the surrounding area and would be contrary to Policy CS19 of the Gravesham Local Plan Core Strategy (2014) (CS) and the Framework. These, amongst other matters, seek to ensure that new development to be visually attractive whilst making a positive contribution to the streetscene, the quality of public realm and character of the area.

Biodiversity

11. As noted from the application drawings and my site visit, the front garden to the appeal property has already been paved and this appears to have been the case for a considerable period of time. Notwithstanding that, the proposal to cross over the grass verge will result in a loss of green vegetation. However, I consider that the highway grass verge does not have any particular ecological value, nor has the Council provided any evidence to the contrary. I also acknowledge the appellant's submission that the loss is below the 'de minimis' threshold and householder applications are currently exempt from biodiversity net gain requirements.

12. Consequently, I find that the proposed development would not have a harmful impact on the biodiversity of the surrounding area and would accord with Policies CS12 and CS19 of the CS and the Framework. These amongst other matters seek to ensure that there would be no net loss of biodiversity.

Conclusion and Recommendation

13. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Ifeanyi Chukwujekwu

APPEALS PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence, and my representative's report, and on that basis the appeal is dismissed.

Chris Forrett

INSPECTOR