



Appeal Decision

Site visit made on 26 June 2024

by Elizabeth Lawrence BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th July 2024

Appeal Ref: APP/K2230/D/24/3342538

56 Livingstone Road, Gravesend, DA12 5DZ

- 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 Svetoslav and Borislav Krastev against the decision of Gravesend Borough Council.
 - The application Ref 20231331, dated 28 December 2023, was refused by notice dated 29 February 2024.
 - The development proposed is described as the formation of vehicle access over grass verge for existing hardstanding.
 - for a dropped kerb/vehicle crossover application.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. As set out in the application form and confirmed in the council's delegated report, the appeal proposal relates solely to the crossover and does not relate to the existing hardstanding within the front garden of the appeal property. The appeal has been determined on this basis.
3. Whilst the application form states that the crossover would be surfaced with block paving, the appeal statement includes details for a grass reinforced mesh surface. As the possible use of reinforced mesh has not been formally considered by the council and the highway authority, I am unable to take it into account in the consideration of the appeal proposal.

Main Issues

4. The first main issue is the effect of the proposal on the character and appearance of the surrounding area. The second main issue is the appellants need for the proposed vehicle crossover with regard to their personal circumstances.

Reasons

5. Along one side of the main part of Livingstone Road the dwellings are situated at right angles to the road and are separated from the pavement by tall walls, hedges and predominantly deep raised grass verges. On the opposite side of the road the dwellings face the highway and are set back from the highway behind modest sized front gardens. Many of the dwellings have no grass verges to the front of them and those that do exist are typically very shallow.

However, there are several wide grassed areas within the wider street scene. This pattern of grass verges and larger grassed areas continues within the surrounding area. This together with the diverse mix of soft landscaped front gardens contributes to the open and verdant character and appearance of Livingstone Road and the area.

6. Within the main part of Livingstone Road some of the houses have on-site parking within their front gardens and their crossovers interrupt some of the narrow grass verges. This has an urbanising impact on the street scene, whilst the extensive on-street parking appears congested and detracts from the openness of the estate. This parking partially obstructs the pavements and the road.
7. The appeal site is located within a cul-de-sac off the main part of Livingstone Road. The narrow road rises gradually to the northwest and is flanked on one side by a deep grass verge with a narrow pavement to the rear of it. On the opposite side of the road is a deep grass verge that is flanked on both sides by narrow pavements. These verges are a prominent feature within the cul-de-sac and are replicated in other cul-de-sacs off Livingstone Road.
8. Within the appeal cul-de-sac there are three crossovers which serve parking areas within the adjacent front gardens. As stated by the council, the double crossover to the front of 52 Livingstone Road (No.52) does not have planning permission and planning permission has been refused for a crossover to the front of 54 Livingstone Road (No.54). The planning status of the two single crossovers in the cul-de-sac is not stated, although they appear to be well established and part of the street scene. At the time of the appeal site visit there was some on-street parking within the cul-de-sac which partially blocked the turning area and two vehicles were parked on the grass verge.
9. As a result of these factors whilst the grass verges are a prominent and 'greening' feature, they are in parts damaged and are interrupted by hard surfaced crossovers. This has an urbanising and degrading impact on the street scene.
10. The dwellings within Livingstone Road, including the cul-de-sacs, benefit from vehicular access to the rear and some of the dwellings have on-site parking at the rear of their gardens. This includes the appeal site, where there are two off-street parking spaces and a pedestrian gate, which provides access to the property.
11. Policy CS19 of the Gravesham Local Plan Core Strategy (2014) (CS), requires new development to be attractive, fit for purpose and locally distinctive. It should conserve and enhance the character of the local built environment and integrate well with the surrounding local area. Proposals should include appropriate hard and soft landscaping and protect and where possible enhance biodiversity. Paragraph 135 of the National Planning Policy Framework 2023 (the Framework), similarly requires new development to be sympathetic to local character and to add to the overall quality of the area. Paragraph 131 of the Framework states that good design is a key aspect of sustainable development.
12. Both the council and the appellants have referred to the council's Householder Extensions/Alterations Design Guide. Whilst this deals with the design and appearance of hard-standings within front gardens, it does not provide advice

relating to the design, appearance and visual impact of vehicle crossovers. As such it is not directly relevant to the proposal.

13. The proposed crossover would occupy an elevated and prominent position on the outside of a slight bend in the road. It would also be located centrally within a wide section of the grass verge. As a consequence, the proposed crossover would interrupt a wide expanse of grass verge and have a visually hard and urbanising impact on the street scene. Its impact would be exacerbated by its proximity to a street lamp-post, the crossovers to the front of No.52 and 60 Livingstone Road and the on-site parking areas and hard surfacing within the front gardens of the appeal property and Nos. 52, 54 & 60.
14. I acknowledge that by providing one on-site parking space it would potentially reduce on-street parking and could provide a narrow turning space within the cul-de-sac. However, these benefits, would be materially outweighed by the harm to the street scene and is not a matter that could be satisfactorily dealt with by condition.
15. Finally, in their Delegated report the council has referred to two appeals for crossovers at 66 and 162 Livingstone Road which were both dismissed due to their impact on the affected grass verges. As only limited details relating to those proposals are provided, it has not been possible to compare them to the current appeal scheme, which has been assessed on its individual merits and in accordance with the development plan.
16. I conclude on the first main issue that the proposal would unacceptably harm the character and appearance of the surrounding area. It would therefore conflict with CS Policy CS19 and Section 12 of the Framework.

Personal circumstances

17. Section 149 of the Equality Act 2010 which states that a public authority must, in the exercise of its functions, have due regard to the need to advance equality of opportunity between persons; remove or minimise disadvantages suffered by persons who share a relevant protected characteristic; and take steps to meet the needs of such persons. Article 8 of the European Convention on Human Rights (ECHR) relates to the qualified right to respect for private and family life.
18. The accessibility needs of an occupier of the appeal dwelling adds weight in support of the appeal. However, little evidence has been submitted regarding on-street parking stress levels in the vicinity of the appeal property. Also, no evidence has been submitted regarding the availability and potential use of the rear vehicular access and parking spaces, which benefit from pedestrian access into the rear garden of the appeal property.
19. Overall, when assessed in accordance with CS Policy CS19 and the Framework, I find that the personal considerations advanced in favour of the proposed development do not outweigh the harm that the proposed scheme would result in. The interference of the Appellants and their family's rights under Article 8 of the ECHR would be both proportionate and justified.

Conclusion

20. Having regard to the conclusions on the main issues all other matters raised the appeal is dismissed.

Elizabeth Lawrence

INSPECTOR