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## Appeal Decision

Site visit made on 18 May 2020

**by Benjamin Clarke BA (Hons.) MSc MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: Friday, 26 June 2020**

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**Appeal Ref: APP/K2230/D/20/3244216**

**1 Cheney's Cottages, Thong Lane, Shorne, Gravesend DA12 4AA**

- 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 Kelly Chubb against the decision of Gravesham Borough Council.
  - The application Ref: 20190929, dated 4 September 2019, was refused by notice dated 15 November 2019.
  - The development proposed is the removal of a 3.8 metre section of the front hedgerow to the front of the property, to allow vehicular access. A hardstanding shingle effect resin will be laid to allow parking for 2 vehicles.
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### Decision

1. The appeal is allowed, and planning permission is granted for the removal of a 3.8 metre section of the front hedgerow to the front of the property, to allow vehicular access (a hardstanding shingle effect resin will be laid to allow parking for 2 vehicles) at 1 Cheney's Cottages, Thong Lane, Shorne, Gravesend DA12 4AA in accordance with the terms of the application, Ref: 20190929, dated 4 September 2019, and the plans submitted with it, subject to the attached schedule of conditions.

### Background and Main Issue

2. Paragraph 146 of the Framework states that it is not inappropriate to carry out certain forms of development within the Green Belt. This paragraph states that engineering operations might be considered to be a not inappropriate form of development, providing they preserve the character of openness and not conflict with the purposes of including land in the Green Belt.
3. The proposed development consists of a parking area which would replace access elsewhere on the site and serve an existing dwelling. Furthermore, the proposed development would be predominantly located at ground level and would include an element of landscaping. Accordingly, it would not result in a notably more intensive form of development and would still maintain the character of openness that is prevalent within the site and its surroundings. Accordingly, the Main Issue is the effect of the development upon the character and appearance of the Thong Lane Conservation Area (the CA).

### Reasons

4. The appeal site consists of an end-of-terrace dwelling that is set back from the road. To the side is a track and, from this, vehicular access is currently provided. The other dwellings within the terrace feature off-street car parking.

- The site is in the CA. The significance of this is, in part, derived from the presence of traditionally designed dwellings that are set back from the highway. This creates a more open character to the settlement, which is within a rural setting. A significant number of dwellings feature off-street car parking, with some vehicular accesses being gated. Dwellings within the settlement feature a variety of boundary treatments including hedges, walls and fences.
5. Whilst the proposed development would create a new access to the property, this would not appear unduly incongruous given the prevalence of similar developments elsewhere within the immediate vicinity.
  6. Although vehicles would be parked on the site, views of these would, in part, be screened by the boundary treatments present at the site. Whilst the appeal site contributes to the character of the CA, the site already features vehicular access (from a track used by pedestrians) which means that the presence of parked vehicles on site would not represent a notable change. In addition, the site's boundary treatments would, in part, screen views of parked cars.
  7. The proposed development would result in the removal of a portion of a hedge. However, the section to be removed would be comparatively small, even allowing for the potential increase in visibility splays. As such the predominantly linear boundary in proximity to the edge of the road would remain the dominant feature. In addition, owing to the sinuous road pattern, views of this access would not be particularly prominent.
  8. For visibility reasons, the height of the hedge might need to be reduced. However, I am unaware of any statutory mechanism by which such a reduction might be currently restricted. As such, owing to these circumstances, I do not believe that the development would lead to an erosion of the significant character of the CA.
  9. I acknowledge that the proposed works would require an area of hardstanding to be created within the surrounding area. Owing to the location of the parking area behind the site's hedge and the fact that these works would be at ground level, they would not be particularly notable within the environs of the site. As such, the defining predominantly open and verdant character of the CA would be retained. Furthermore, a large proportion of nearby properties feature similar parking areas. In consequence, the proposed development would not appear at significant variance to this characteristic.
  10. The evidence before me indicates that a gate might be installed at the property. Owing to the relative frequency of such installations within the vicinity, I find that such a gate would not be particularly strident or incongruous. As such this would not result in harm to the historic environment.
  11. I note concerns raised by the council regarding other vehicular accesses within the vicinity and their effect on the character and appearance of the area. However, in assessing this appeal, I have noted that the scheme before me is offset from the associated dwelling and features the implementation of additional landscaping. In consequence, it would have a different form and degree of prominence to other accesses within the surrounding area. I therefore do not find that the presence of developments elsewhere leads me to a different conclusion regarding the effects of the appeal scheme.

12. I therefore conclude that the proposed development would preserve the character and appearance of the CA. The development, in this regard, would sustain the significance of the CA and is in conformity with the requirements of Policies CS19 and CS20 of the Gravesham Local Plan Core Strategy (2014); and Policy TC3 of the Gravesham Local Plan First Review (2014). These policies, amongst other matters, seek to ensure that new developments preserve, protect or enhance heritage assets; including appropriate landscaping; and take account of the site's context.

### **Other Matters**

13. The appeal site is close to the Grade II listed building of White Horse Cottage. The significance of this building is, in part, derived from the building dating from at least the 17th century with a commensurate style of architecture.

14. The listed building and appeal site are separated by Thong Lane, which results in a diminished relationship between the two sites. Furthermore, the relatively low level of the proposed development and the presence of landscaping means that the listed building and appeal site are not readily viewed alongside one another. Therefore, the proposed development would preserve the setting of this listed building.

### **Conditions**

15. I have considered the conditions suggested by the Council. In addition to the standard implementation condition, a condition specifying the approved plans is necessary in the interests of precision. As the development would result in vehicles entering and leaving the property, it is necessary for visibility splays to be provided within the site so that motorists leaving the site would have advance warning of other road users. I have amended the wording of the condition to include a clause requiring the retention of these visibility splays.

16. Given that there is a need for the proposed development to harmonise with its surroundings, a condition requiring the agreement of the surfacing of the parking area is necessary and reasonable. However, owing to the scale of the development, I am not persuaded that submission of actual samples of materials would be proportionate.

17. Whilst I am satisfied that there is a need for such a condition concerning the provision of landscaping in order to maintain the general character and appearance of the area, I have concerns regarding the wording suggested by the Council. This is because it does not feature any mechanism by which landscaping would be maintained. After giving all parties the opportunity to comment, I have amended this condition.

### **Conclusion**

18. For the preceding reasons, I conclude that the appeal should be allowed, and planning permission granted.

*Benjamin Clarke*

INSPECTOR

## SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2016-319 (P) 001; Existing Plan; and Proposed Plan.
- 3) Notwithstanding the details shown on the approved plans, full details of the external facing materials for the surfacing for the hardstanding area shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to the vehicular access first being brought into use.
- 4) Notwithstanding the details shown on the approved plans, full details of pedestrian visibility splays shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to the vehicular access first being brought into use and retained thereafter.
- 5) Notwithstanding the details submitted, full details of soft landscaping shall be submitted to, and approved in writing, by the Local Planning Authority. Such details shall include schedules of plants noting species; location; and a scheme of maintenance. The landscaping works shall be carried out in accordance with the approved details before any part of the development is first brought into use. The completed scheme shall be maintained in accordance with the approved scheme of maintenance.