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# Appeal Decision

Site visit made on 16 August 2022

**by C Hall BSc MPhil MRTPI**

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

**Decision date: 5th September 2022**

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**Appeal Ref: APP/K2230/D/22/3295979**

**43 Nursery Grove, Gravesend DA11 7BB**

- 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 Oketunji against the decision of Gravesham Borough Council.
  - The application Ref 20211491, dated 2 December 2021, was refused by notice dated 25 January 2022.
  - The proposed development is for the formation of a vehicle hardstanding and extended vehicular crossover to create vehicular access.
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## Decision

1. The appeal is allowed and planning permission is granted for the formation of a vehicle hardstanding and extended vehicular crossover to create vehicular access at 43 Nursery Grove, Gravesend DA11 7BB in accordance with the terms of the application, Ref 20211491, dated 2 December 2021, subject to the following 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: drawing nos. 01, 02, 03.

3) No development above slab level shall commence until there shall have been submitted to and approved in writing by the LPA a scheme of hard and soft landscaping.

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 occupation of the buildings or the completion of the development, whichever is the sooner; 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.

## **Main Issues**

2. The main issues are the effect of the development on a) the character of the dwelling and the surrounding area; and b) biodiversity.

## **Reasons**

### *Character and appearance*

3. The appeal site relates to a semi-detached, two-storey house sited on Nursery Grove. The surrounding area is predominantly residential in nature with no prevailing architectural style; the locality is characterised by dwellings of various size, design and detailing.
4. The neighbourhood contains extensive swathes of hard landscaping in the form of estate roads, driveways and parking areas. Within this context, I do not consider that the new block paving would appear out of keeping. Although it would result in the loss of a grassed area, I am satisfied that modest hedgerow planting could establish and mature at the front on the strip (approximately 1 metre in width) shown to run along the common boundary with 41 Nursery Close. To my mind, this would compensate for the removal of the grass.
5. I conclude that the scheme would not result in harm to the character and appearance of the dwelling and the surrounding area. It would meet the provisions of Policy CS19 of the Gravesham Local Plan Core Strategy 2014 (CS) that 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*

6. The existing grass would be unlikely to provide a valuable habitat for wildlife and I have no robust evidence, for example from a qualified ecologist, that its loss would be harmful to biodiversity.
7. I am satisfied that a condition requiring new planting would counterbalance any concerns in this respect. 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.

## **Conditions**

8. I have considered the imposition of conditions in light of advice in Planning Policy Guidance and the National Planning Policy Framework. In addition to the standard implementation condition, the approved plans are listed for certainty.
9. A hard and soft landscaping condition would ensure the the Council has control over the materials used for the driveway and the height and variety of hedgerow planting. A condition requiring crossover construction to the Highway Authority's specification and requirements is imposed in the interests of highway safety.

## **Conclusion**

10. Based on the above and all matters raised, the appeal is allowed.

*C Hall*

INSPECTOR