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## Appeal Decision

Site visit made on 9 December 2025

**by L Reid BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15<sup>th</sup> January 2026

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**Appeal Ref: APP/K2230/D/25/3375413**

**16 Old Road West, Gravesend, Kent DA11 0LJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr John Fahey against the decision of Gravesham Borough Council.
  - The application Ref is 20250519.
  - The development proposed is formation of vehicular access on to B261 and provision of one off-street parking space in front garden with associated hardstanding.
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### Decision

1. The appeal is allowed and planning permission is granted for the formation of vehicular access on to B261 and provision of one off-street parking space in front garden with associated hardstanding at 16 Old Road West, Gravesend, Kent DA11 0LJ in accordance with the terms of the application, Ref 20250519, subject to the following 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 drawing nos 01 – Site Location Plan, 04 Rev A – Proposed Block Plan, 05 Rev A – Proposed Site Plan and Elevations/Sections.
  - 3) The external materials of the development hereby permitted shall match those used in the existing building.
  - 4) Within 6 months of the date of this decision, soft landscaping shall be planted as shown on drawing no. 04 Rev A – Proposed Block Plan, 05 Rev A – Proposed Site Plan and Elevations/Sections. If it should die, be damaged, removed or seriously diseased, it shall be replaced by those of a similar size and species to those originally planted.

### Applications for costs

2. An application for costs was made by Mr John Fahey against the decision of Gravesham Borough Council. This application is the subject of a separate Decision.

### Preliminary Matters

3. The description of development is taken from the planning application form, as the main parties have not provided written confirmation that a revised description of development has been agreed.

4. I am also the appointed Inspector for a nearby appeal concerning a similar proposal at 14 Old Road West<sup>1</sup>. Given the proximity of the respective sites and the similarity of the issues involved, the decisions will inevitably appear similar. However, each proposal has been assessed on its individual planning merits.

## **Main Issues**

5. The main issues are the effect of the proposal on:

- The character and appearance of the area; and,
- Highway safety.

## **Reasons**

### *Character and appearance*

6. The appeal property is a semi-detached house. It is one of several pairs that sit above road level, sharing features such as stepped access and brick pillars that contribute to their distinctive character. The front garden area is bound by a tree, a staggered brick wall with railings and a low wall with hedging above.
7. The proposal seeks to create a driveway within the frontage with vehicle access from the road. To facilitate this, the front garden would be replaced with hardsurfacing and the low wall and hedging removed. A new low wall would be erected around the parking area and a new hedge planted. The existing tree would be retained.
8. At my site visit, I saw that the frontages of the houses are varied; some retain their front gardens behind walls or hedges, whereas others have removed their front gardens and replaced them with hardsurfacing. Examples are evident along the road at Nos. 12 and 28 which I am unaware of their planning status, and No. 20 which was allowed at appeal in 2024 (the 2024 appeal)<sup>2</sup>. As such, there is no clear consistency in the extent of soft landscaping across the frontages.
9. Whilst the Council has highlighted concerns over the subsequent effect on the street scene following the implementation of the approved development at No. 20, hardsurfaced frontages now clearly form part of the character and appearance of these houses. Furthermore, along the road, there are numerous examples of other hardsurfaced frontages with very little landscaping that are not too dissimilar to that proposed in this case.
10. The front garden area and hedging do provide some greenery to the road, however, their contribution to the landscape character of the road is limited and do not make a meaningful contribution to what is essentially a suburban road, where hardsurfaced frontages are common.
11. Although the front garden would be replaced with hardsurfacing, this would not harm the visual relationship with the neighbouring houses, given the varied soft landscaping along the road, the replanting of some soft landscaping and the retention of the tree. Key characteristic features, namely the brick pillars and the stepped access to the front door, would be retained, ensuring the house continues to harmonise with its neighbours. Keeping the stepped access would also ensure

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<sup>1</sup> Appeal Ref: 6001704

<sup>2</sup> Appeal Ref: APP/K2230/D/24/3349193 – Appendix 3

that the upward slope from the road to the house remains clearly visible, despite the changes to the land levels within the frontage to accommodate the proposal.

12. The size of the parking area would exceed the 'Parking Bay Size for Cars' set out in the Kent Vehicle Parking Standards Supplementary Planning Guidance SPG 4 2006. However, these parking sizes are referred to as 'preferred sizes' and are not suggested to be a maximum. The size of the driveway would be proportionate to the house, and there would be some landscaping along one of the side boundaries. The proposal would not be out of keeping in this local context and would be sympathetic to its surroundings, which is the general thrust of the guidance contained within the Householder Extensions/Alterations Design Guide Supplementary Planning Document 2021 and the Front Driveway Design Guidance 2023.
13. I have considered the previous appeal decisions cited by the Council. In the 2011 appeal decision at No. 12 Old Road West<sup>3</sup>, the Inspector highlighted the relative continuity of the frontages and considered this to contribute significantly to the attractiveness of the area. This continuity was not evident on my site visit, which is also largely consistent with the observations of the Inspector in the 2024 appeal. The 2011 decision therefore carries limited weight because of its age and the different character identified at the time of decision making.
14. The 1985 appeal decision<sup>4</sup> relates to development at Nos. 12 - 16 Old Road West and the 2010 appeal decision<sup>5</sup> relates to development at Nos. 12 and 14 Old Road West. A copy of the proposed plan for the 1985 application shows that the driveway was proposed to extend across all three properties, with some of the side boundaries removed with no soft landscaping proposed.
15. The proposed plans for the 2010 application have not been provided, but it would also appear that a driveway was proposed across both houses. These proposals are unlike the appeal proposal, which relates solely to the appeal site and would create a smaller driveway with some soft landscaping. Those decisions are therefore not directly comparable and carry limited weight. In any event, the appeal site would retain its side boundary walls, helping to break up the frontage and preventing a continuous stretch of hardsurfacing.
16. For these reasons, I conclude that the proposal would not cause harm to the character and appearance of the area. Accordingly, it would comply with Policies CS12 and CS19 of the Gravesham Local Plan Core Strategy 2014 (the Core Strategy). These policies, amongst other things, require new development to integrate well with the surrounding local area and protect the landscape character.

### *Highway safety*

17. The side boundary walls and pillars would limit visibility to some degree when reversing from the driveway. However, regardless of vehicle height, such manoeuvres are typically carried out at low speeds, allowing drivers time to see and respond to pedestrians or other vehicles. The presence of the driveway would also alert pedestrians to the possibility of vehicle movements, encouraging appropriate caution. Furthermore, the proposed plans show a pedestrian visibility

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<sup>3</sup> Appeal Ref: APP/K2230/D/11/2144419 – Appendix 5

<sup>4</sup> Appeal Ref: T/APP/K2230/A/84/24730/P7 – Appendix 2

<sup>5</sup> Appeal Ref: APP/K2230/A/09/2115782 – Appendix 4

splay, and I have not been advised that this is not acceptable. The proposal would therefore not pose a danger to pedestrians.

18. The crash map data supplied by the Council<sup>6</sup> appears to show collisions mainly concentrated around the traffic light junction, and further along the road where it meets Elmfield Close. Several nearby houses have similar driveways that are likely to be entered or exited by reversing. There is nothing substantial before me to indicate that this has resulted in incidents involving pedestrians and vehicles, and that the proposal would be likely to give rise to further danger.
19. Although the road is busy for both traffic and pedestrians, the nearby traffic lights interrupt traffic flow. This section of the road is straight and would provide clear views in both directions when reversing into or out of the driveway. The wide footpath would also allow a vehicle to pause safely while checking the road, even when reversing. The proposal would therefore not present a significant highway hazard.
20. Vehicles travelling along the road may need to pause briefly to allow vehicles to enter and exit the driveway, however, any disruption would be momentary and would not significantly harm the free-flow of the traffic along the road. Sun glare may reduce visibility at times, but this is a general driving condition rather than a site-specific risk, and drivers are expected to respond accordingly. The proposal therefore does not present an unusual or unacceptable hazard.
21. The previous Inspectors in the 1981 decision<sup>7</sup>, 1985 decision, 2010 decision and 2011 decision all concluded similar works at the appeal site and its neighbours would cause harm to highway safety and the flow of traffic. However, some of the cited decisions involved driveways spanning several houses, making their highway impacts not directly comparable with the current proposal. Given their age and these differences, these decisions carry limited weight. There is also an element of subjectivity when considering such highway matters and each case must be determined on its own merits. I have therefore reached my own findings.
22. For these reasons, I therefore conclude that the proposal would not cause harm to highway safety. Accordingly, it complies with Policy CS11 of the Core Strategy and Policy T5 of the Gravesham Local Plan First Review Saved and Deleted Policies Version 2014. These policies, amongst other things, require new development to mitigate their impact on the highway and for no danger to arise.

### **Other Matters**

23. Previous approvals do not in themselves create a precedent. Even if similar applications have been submitted, this does not alter the need to assess proposals against adopted policy. The Council's assertions that there would be a cumulative impact on the area that will reduce sections of soft landscaping are not supported by any robust evidence. I have therefore not considered this further.
24. The reasons for refusal list conflict with the Design for Gravesham Design Code Supplementary Planning Document 2024. However, it is not clear which parts of the Design Code the proposal is in conflict with.

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<sup>6</sup> Appendix 6

<sup>7</sup> Appeal Ref: T/APP/5277/A/81/09149/09 – Appendix 1

## Conditions

25. I have had regard to the conditions suggested by the Council and have considered these in light of the tests in the National Planning Policy Framework (Framework) and the Planning Practice Guidance (PPG).
26. The statutory implementation condition [1], along with a condition listing the approved plans are necessary to provide certainty [2]. In the interests of character and appearance, it is necessary to require the materials to match the existing ones [3] and to require the soft landscaping shown on the proposed plans to be planted [4].
27. The Council's suggested condition to require the driveway to be constructed of porous materials and/or incorporate appropriate drainage is not necessary, as the proposed plans demonstrate that permeable paving would be used.
28. The Council has requested that permitted development rights be removed to restrict the driveway from extending. However, the Framework and the PPG, make clear that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so, which has not been provided. The suggested conditions limiting boundary heights and preventing gates would also require permitted development rights to be removed. While I acknowledge the Council's highway safety concerns, I do not find the removal of these rights justified, given the site circumstances.
29. Requiring the applicant to provide a vehicle crossover to the requirements of Kent County Council Highways and Transportation is a matter regulated under separate highways legislation and can therefore not be controlled by a planning condition.

## Conclusion

30. For the reasons given above the appeal should be allowed.

*L Reid*

INSPECTOR



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## Costs Decision

Site visit made on 9 December 2025

by **L Reid BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15<sup>th</sup> January 2026

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### **Costs application in relation to Appeal Ref: APP/K2230/D/25/3375413**

#### **16 Old Road West, Gravesend, DA11 0LJ**

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
  - The application is made by Mr John Fahey for a full award of costs against Gravesend Borough Council.
  - The appeal was against the refusal of planning permission for formation of vehicular access on to B261 and provision of one off-street parking space in front garden with associated hardstanding.
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### **Decision**

1. The application for an award of costs is allowed in the terms set out below.

### **Reasons**

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The appellant claims that the Council behaved unreasonably by preventing development which clearly should have been permitted, failed to produce evidence to substantiate each reason for refusal and refused the application, even though a similar scheme was allowed at appeal at 20 Old Road West (No. 20) in 2024<sup>1</sup>. These are examples of unreasonable behaviour which the PPG says will place an authority at risk of an award of costs.

#### *Reason for refusal 1 – Character and appearance*

4. The Council relied on several appeal decisions dismissed at the appeal site and the neighbouring properties to inform their reasoning. However, these decisions are not recent, and there are some fundamental differences, as set out in my main decision. It is a matter of planning judgement how much weight should be given to previous appeal decisions. Notwithstanding this, the appeal site is within the same local context as No. 20, and the proposal is for very similar works. The Inspector in the appeal at No. 20 concluded that the development would not have an adverse effect on the character and appearance of the area.
5. The Council has provided no clear reasoning as to how the proposal differs from the approved development at No. 20 and why this led them to reach a different conclusion from the previous Inspector. In its costs rebuttal, the Council expresses dissatisfaction with the Inspector's decision at No. 20, considering it to be

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<sup>1</sup> Appeal Ref: APP/K2230/D/24/3349193

contradictory to another dismissed appeal nearby. This is not referenced in the Delegated Report and introducing it now to justify their conclusion is unreasonable.

6. There is less than one year between the appeal decision at No. 20 and the Council's decision at the appeal site. The Council has not pointed to any change in relevant policy to explain why a different conclusion has been reached from the Inspector in the appeal decision at No. 20. The Council has therefore persisted in objecting to a scheme which an Inspector has previously indicated to be acceptable, which amounts to unreasonable behaviour.
7. While previous appeal decisions are material considerations, the Council must still assess the proposal and the specific circumstances of the appeal site. However, the Delegated Report contains little analysis of the proposal itself or its actual harm to the character and appearance of the area. Instead of providing an objective assessment, the Council focuses largely on the alleged harm arising from the approved scheme at No. 20.
8. The reason for refusal is precise and clearly sets out the relevant development plan policies. However, the Council has not put forward a robust explanation to substantiate this reason for refusal and has therefore acted unreasonably.

#### *Reason for refusal 2 – Highway safety*

9. To support their reasoning on this matter, the Council refer to traffic levels across Kent, data showing schools in the area and their proximity to the appeal site, crash map data and their findings from a site visit. However, much of this evidence is contextual. The Council appear to give great weight to the previous appeal decisions, which were dismissed on highway safety grounds, even though there are some differences from the appeal proposal.
10. In the appeal decision at No. 20, which is very similar to the proposal, the Inspector concluded that such development would not cause an adverse effect on highway safety. In the Delegated Report when considering highway safety, the Council refers to the approved development at No. 20 only to highlight its considered poor visibility. No explanation is provided within the Delegated Report to understand why the appeal site warranted a different highway safety conclusion from the Inspector's findings at No. 20, despite the Inspector having considered restricted visibility and nearby accesses. The Council also states in its costs rebuttal that the proposal is largely similar to No. 20's in design and visibility. The Council has therefore acted unreasonably by persisting in objecting to a scheme which an Inspector has previously indicated to be acceptable.

#### **Conclusion**

11. For the reasons set out, I conclude that the Council has acted unreasonably. This has resulted in unnecessary expense for the claimant, as described in the PPG, in making the appeal. A full award of costs is therefore justified.

#### **Costs Order**

12. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Gravesham Borough Council shall pay to Mr John Fahey, the costs of the appeal proceedings

described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.

13. The applicant is now invited to submit to Gravesham Borough Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

*L Reid*

INSPECTOR