



Delegated Report

Householder Planning Application

Planning Application No: 20260148

Location: 39 Hollybush Road Gravesend Kent DA12 5QG

Description: Demolition of existing rear lean-to and erection of single storey rear extension.

Applicant: Harinder Sall

Site Visit Date: 27 January 2026

Submitted Documents/Plans

Householder Planning Application form;
Drawing no. SCL.01 Existing layouts;
Drawing no. SCL.02 Proposed layouts;
Drawing no. SCL.03 Existing and proposed front and rear elevations;
Drawing no. SCL.04 Existing and proposed side elevations;
Drawing no. SCL.05 Proposed section;
Drawing no. SCL.06 Site location plan and existing block plan;
Drawing no. SCL.07 Site location plan and proposed block plan;
Planning Statement; and
Email from the agent received 13 February 2026.

Procedural Issues

Following a request from the case officer, the applicant confirmed that the proposed works would not encroach over any land outside of their ownership.

Relevant Planning History

Reference	Description	Decision	Decision Date
20251261	Application for a Proposed Lawful Development Certificate; Demolition of existing rear lean to and erection of single-storey rear extension.	Certificate Refused	04.02.2026

Development Plan

Gravesham Local Plan Core Strategy (2014)

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS12 – Green Infrastructure
- CS18 – Climate Change
- CS19 – Development & Design Principles
- CS20 – Heritage and the Historic Environment

Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards
- TC7 – Other Archaeological Sites

Paragraph 34 of the NPPF (2024) sets out that policies within adopted local plans should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. Such reviews are also a legal requirement as set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012.

The Council undertook such a review in September 2019 and found that the adopted Local Plan Core Strategy is in need of a partial review in terms of Policy CS02, due to the increased need for housing since the Local Plan Core Strategy was adopted and the need to ensure that a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) generally conform with the NPPF (2024), the Council will also seek to replace these.

National Planning Policy Framework (2024)

- Section 2 – Achieving Sustainable Development
- Section 12 – Achieving Well-Designed Places

Supplementary Planning Guidance

- SPG 2 – Residential layout guidelines including Housing Standards Policy Statement October 2015 Adopted 1996 – amended June 2020
- Technical Housing Standards – Nationally Described Space Standard (2015)
- Gravesham Householder Extensions/Alterations Design Guide (2021)
- Design for Gravesham – Design Code (2024)

Emerging Local Plan as a Material Consideration

Paragraph 48 of the Framework makes it clear that planning applications can only be determined in accordance with the development plan, unless material considerations indicate otherwise. An emerging Local Plan, does not form part of the Development. The Framework, at Paragraph 49 allows local planning authorities to give weight to relevant policies in emerging Local Plans, according to:

- The stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the Framework, the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given to those policies.

West Oxfordshire District Council v Secretary of State for Housing, Communities and Local Government & Rosconn Strategic Land Ltd [2018] EWHC 3065 (Admin) is a High Court judgement that deals with the weight to be given to a Regulation 19 Local Plan. In this judgement the Court found that the weight to be given to an emerging Local Plan, was a matter of planning judgement, which had to be reached having fully considered the relevant part (Paragraph 49) of the Framework.

The Council's emerging Local Plan, is in the process of being consulted upon (it has reached Regulation 19 stage), the Council is not yet aware of whether third parties will support or object to specific policies within the Plan, or whether they will consider the policies with the emerging Local Plan to be broadly sound and consistent with the NPPF (2024). Taking this into consideration, one can only conclude that at this stage of the process, **limited (i.e. minimal) weight should be afforded to the emerging Regulation 19 Local Plan**. This position would only change once the emerging Local Plan has progressed towards submission and examination, with the Council being fully aware of policies that are subject to unresolved objections and with knowledge of policies that have had their soundness and conformity against the Framework challenged.

This approach accords with the approach taken in a separate High Court case, Gladman Developments Ltd v SSHCLG & Corby Borough Council; & Uttlesford DC [2020] EWHC 518 (Admin) and Court of Appeal [2021] EWCA Civ 104, which was also the subject of a Court of Appeal Ruling [2021] EWCA Civ 104.

Consultations, Publicity and Representations

Neighbouring properties

The application was publicised by a site notice and to three neighbouring properties by letter. No representations have been received and the overall consultation period expired on 09.03.2026.

Officer's Analysis

Design, Character and Appearance

This application follows a previously refused Lawful Development Certificate for a 3m rear extension which could not be supported due to the existence of an original rear projection. As such this planning application has been submitted.

The proposed single storey rear extension is 3m deep and the full width of the house. It is designed with a flat roof and does not exceed 3m in height. The development would be of a design and materials that would match with the existing building and those in the surrounding area and as a rear extension, the proposal would not be widely visible. As such, the proposal would be in line with Policy CS19 of the Gravesham Local Plan Core Strategy September 2014 and the Householder Extensions/Alterations Design Guide SPD (2021).

Amenity of Future Occupiers

The proposed development would not adversely impact upon the size or depth of the private amenity space at the application property because the residual garden would exceed the minimum size for a three bedroom dwelling, set out in the Borough Council's adopted Residential Layout Guidelines (2020).

It is noted that the proposal would result in the loss of various windows and a door in the rear elevation of the application property (to a kitchen/living room) thereby reducing the levels of natural light available in these rooms. However, due to these room uses either being non-habitable (kitchen) or having alternative new windows, there would be no significant detriment to the living conditions of future occupiers.

Overall, the proposal would improve the living conditions at the application property. As such, it would not be detrimental to the residential amenity of future occupiers and would be in line with Policy CS19 of the Gravesham Local Plan Core Strategy (2014) and the Borough Council's adopted Residential Layout Guidelines (2020).

Neighbouring Amenity

Policy CS19 of the Gravesham Local Plan Core Strategy (2014) requires new development to be located, designed and constructed to safeguard the amenity, including privacy, daylight and sunlight, of neighbouring occupiers. In this regard, the Borough Council's adopted Residential Layout Guidelines (RLG) are relevant.

The closest residential properties to the application site are nos. 37a and 41 Hollybush Road (located to the west and east respectively), which adjoin the side boundaries. No. 2 Arnold Road is located to the south (rear).

Due to the design of the proposed development (in particular, it having a maximum height of 3 metres, with a flat roof) and to the layout and orientation of the surrounding properties, there would be no adverse overshadowing or overbearing impacts to the occupiers of any of the surrounding dwellings.

Due to the design of the proposal (no windows in the side elevations) and to the screening provided by existing boundary treatments, there would be no adverse overlooking impacts to the occupiers of the dwellings on either side.

At no. 2 Arnold Road, there are various windows in the side elevation that face the application site (at ground floor, a shower room window and secondary bedroom window and at first floor level, there appears to be two bedroom windows, one of which is secondary). The privacy distance from these windows to the windows in the rear elevation of the proposed extension would be some 18 metres. Whilst this would be less than the 26 metre minimum privacy distance set out in the RLG, it is noted that the proposal would have been permitted development, had it not been for the existence of a small rear projection and that there is already some overlooking between the affected windows. In addition, one affected room is non-habitable and two are secondary bedrooms. As such, it is considered that the level of overlooking would not be so significant as to warrant a refusal, in this instance.

In order to prevent any future loss of privacy or adverse noise/odour impacts to neighbours, any planning permission granted should be conditioned to preclude the insertion of any windows or openings (including flues) in the side elevations of the proposed development.

No neighbour representations have been received.

Overall, the proposed development would not be detrimental to the residential amenity of surrounding occupiers and would be in line with Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014).

Any Other Material Planning Considerations

The application site is located within an area of multi-period archaeological potential and Groundwater Source Protection Zone 2. However, as the proposed development is within the confines of an existing residential garden and only a relatively small amount of groundworks would occur, then it is considered that there would be no adverse impacts to groundwater or archaeology. As such, the proposal would be in line with Policies CS19 and CS20 of the Gravesham Local Plan Core Strategy (September 2014) and Saved Policy TC7 of the Gravesham Local Plan First Review November 1994.

The application site is located in a smoke control area. As such, advice regarding smokeless fuels/appliances can be given to the applicant in an informative attached to any planning permission granted.

Suggested Conditions

Time Limit

Development in accordance with the approved plans

Materials to match existing

No further openings in flank elevations

Conclusion

The proposal would comply with local and national planning policies and subject to the conditions set out above, the proposal would be acceptable.

Recommendation

Planning permission subject to conditions is recommended.

(For detailed conditions and informatives, see draft Decision)

Case Officer:	Mrs Kelly Joyce	Team Leader:	Mrs Faye Walsh
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Signed:	K Joyce	Signed:	Jusaboh
Dated:	30th April 2026	Dated:	30 April 2026