



Delegated Report

Householder Planning Application

Planning Application No: 20260346

Location: 20 Orchard Avenue Gravesend Kent DA11 7NX

Description: Erection of a part single and part two storey rear extension.

Applicant: Peter Cross

Site Visit Date: 11 March 2026

Submitted Documents/Plans

Householder Planning Application form;
Drawing no. 100 Location plan;
Drawing no. 101 Existing block plan;
Drawing no. 102 Existing layouts;
Drawing no. 103 Existing elevations;
Drawing no. 201A Proposed block plan;
Drawing no. 202A Proposed layouts;
Drawing no. 203A Proposed elevations; and
Drawing no. 204A Existing and proposed roof plans.

Relevant Planning History

Reference	Description	Decision	Decision Date
20260097	Erection of a part single and part two storey rear extension.	Refused	24.03.2026
20250621	Erection of a single storey outbuilding with pitched roof.	Permitted	15.09.2025
20191216	Extension to the vehicular access and hardstanding.	Permitted	01.05.2020
19860323	Erection of a detached two storey dwelling with an attached garage at the side	Permitted	10.06.1986
19490562	Detached bungalow	Permitted	01.07.1949

Development Plan

Gravesham Local Plan Core Strategy (2014)

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS11 – Transport
- 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
- T1 – Impact of Development on Highway Network
- 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)
- SPG 4 – KCC Parking Standards (2006)
- 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 to four neighbouring properties by letter. No representations have been received. The overall consultation period expired on 28.04.2026.

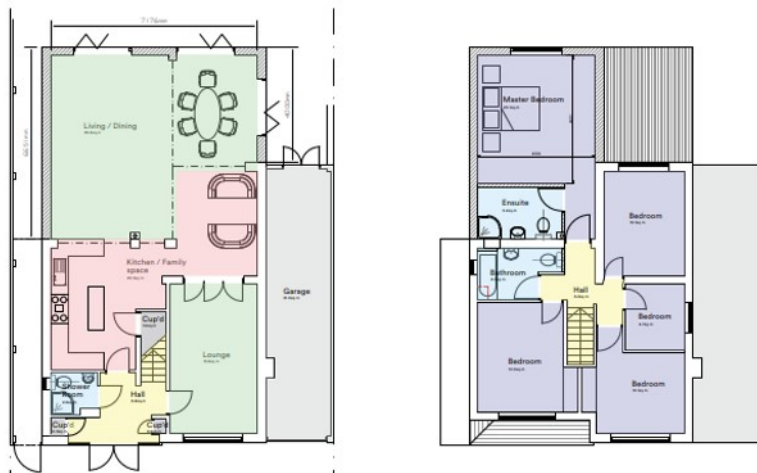
Officer's Analysis

Background

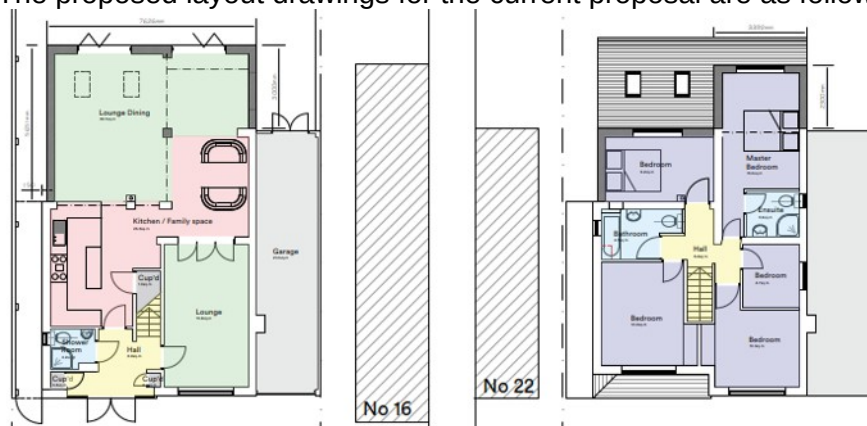
In March 2026, planning permission was refused for the erection of a part single and part two storey rear extension (reference 20260097). The grounds of refusal related to the proposal being an overdevelopment of the application property, which was not subservient to the existing building and that by virtue of its height and proximity to the boundary, there would be adverse overshadowing and overbearing impacts to the occupiers of no. 22 Orchard Avenue (located to the west).

The current proposal has reduced the overall depth of the ground floor element of the extension by one metre, significantly reduced the depth of the two storey element and re-positioned the deepest part of the two storey rear extension element, from the western side of the building to the eastern side.

The proposed layout drawings for the refused proposal are as follows;



The proposed layout drawings for the current proposal are as follows;



Design, Character and Appearance

Policy CS19 of the Gravesham Local Plan Core Strategy (2014) sets out that new development will be visually attractive, fit for purpose and locally distinctive. It should conserve and enhance the character of the built environment and take account of the scale, height, building lines and other architectural features of buildings. Account should also be taken of strategic views, site topography, the significance of heritage assets and features of townscape and landscape value which contribute to local character and sense of place.

In relation to two storey rear extensions, the Householder Extensions/Alterations Design Guide (2021) sets out that they should not dominate the host property in terms of depth (extensions to extensions will not generally be supported); should not be of greater width than the original building; should generally not be built adjoining the side boundaries of the site, should have roof designs that reflect and not overwhelm the main roof and window patterns and proportions that are in keeping with the host building and local character.

The application property is a detached, two storey dwelling set in a relatively large plot. The proposed development comprises of a part single storey and part two storey rear extension, with an L-shaped ground floor element that extends across the full width of the rear of the building. The ground floor extension has a depth of 3 metres on the eastern side and 5.7 metres on the western side. The first floor element would infill an area on the western side of the building (in line with an existing rear projection, with a depth of 2.6 metres) and on the eastern side, it would be set back some 2.3 metres further than the existing rear projection.

The proposed development would add significant depth and height to the rear of the building (on the eastern side especially) and would result in a sizeable increase in built form overall. The proposed design includes large areas of bricked, blank façade on either side, which would elongate the building but the built form would be broken up by the roofs of the single storey elements. The extension would not extend beyond the width of the original building and would just about be subservient to the existing building overall.

The proposed external facing materials, fenestration and roof design match with existing and the proposal would result in the replacement of an unsightly flat roof on an existing two storey rear projection with a hipped roof. It is noted that various properties in Orchard Avenue have been subject to significant extension and alteration and it is considered that the proposed development would not be out of character with the existing building or those in the surrounding area.

Overall, the proposed development would be appropriate in terms of design and would not have an adverse impact on the character or appearance of existing building or the surrounding area. Therefore, the proposal would be in line with Policy CS19 of the Gravesham Local Plan Core Strategy (2014) and the Householder Extensions/Alterations Design Guide SPD (2021).

Amenity of Future Occupiers

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 its occupants. In this regard, the Nationally Described Space Standards (NDSS) and the Borough Council's adopted Residential Layout Guidelines (RLG) are relevant.

In terms of assessing overshadowing impacts, the Householder Extensions/Alterations Design Guide (2021) states that the 25° and 45° rules will be used. If the centre of any perpendicular neighbouring window is crossed by a 45° line drawn from the extension (in plan and elevation form), then daylight and sunlight could be adversely affected. Similarly, if a development breaches a 25° line drawn from the centre of any opposite window, then daylight and sunlight could be adversely affected.

The proposed bedrooms would exceed the minimum floor area requirements for a single and double bedroom in the Nationally Described Space Standard (2015) and although the proposed development would result in a reduction in the size of the rear garden, the residual rear garden area and depth (even accounting for an approved outbuilding) would exceed the minimum requirement for a dwelling with four or

more bedrooms in the Residential Layout Guidelines (June 2020).

The proposed development would result in an existing rear bedroom window being slightly overshadowed (but there would be no breach of the 45° rule in elevation form). Therefore, any overshadowing impact would not be significantly detrimental to the residential amenity of future occupiers.

It is noted that the proposal would result in the loss of various windows at the rear of the application property (to a kitchen, dining room, bathroom, en-suite and bedroom) thereby reducing the levels of natural light available in these rooms. However, due to some alternative windows being provided, to the proposed internal layout alterations and because some affected rooms are non-habitable, there would be no significant detriment to the living conditions of future occupiers.

In order to prevent a loss of privacy for future occupiers, any proposed bathroom/w.c./en-suite windows should be conditioned to be permanently obscure glazed.

Overall, the proposed development would improve the living conditions for future occupiers and as such, the proposal would not be detrimental to residential amenity and would be in line with Policy CS19 of the Gravesham Local Plan Core Strategy (2014).

Neighbouring Amenity

Policy CS19 of the Gravesham Local Plan Core Strategy September 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. 16 and 22 Orchard Avenue (located to the east and west respectively) and nos. 16 and 18 Brenchley Avenue (located to the north).

No. 16 Orchard Avenue has a single storey rear projection that extends beyond the existing rear elevation at the application site and is located some 1.3 metres from the side boundary of the application property, on slightly higher ground. No. 16 has various openings in the side and rear elevations close to the proposed development. In the rear elevation, are a kitchen window at ground floor and a bedroom window at first floor level. In the side elevation, are a utility room window and a door and window to a garage at ground floor and an ensuite window and hallway window at first floor level.

No. 22 Orchard Avenue has a two storey rear projection that extends beyond the original rear elevation at the application property (but is almost in line with the existing conservatory) and is located some 2 metres from the side elevation of the application property, on slightly lower ground. No. 22 has a window at ground floor level (to a dining room) and a bedroom window at first floor level, in the rear elevation closest to the application site. In the side elevation that faces it, there is a secondary bedroom window at first floor level.

Due to the north facing orientation of the properties, there would be no adverse sunlight impacts to any of the affected windows. However, due to the depth and height of the proposed extension and its proximity to the side boundaries of the application site, there would be some loss of daylight and some adverse overbearing impacts to the neighbouring occupiers. It should be noted that the 45° lines in both plan and elevation form for the affected rear windows at nos. 16 Orchard Avenue would not be breached and for no. 22 Orchard Avenue, only the 45° line in elevation form would be breached. Therefore, any overshadowing impact would not be significantly detrimental to the residential amenity of either of the adjacent residential occupiers.

Due to the separation of the properties and the design approach, any adverse overbearing impacts would not be so significant as to warrant refusal.

The proposed development would introduce a number of new windows to the application property. However, due to the screening provided by existing boundary treatments, to the depth of the rear garden and to the use of obscure glazing (for the bathroom and ensuite side windows), there would be no adverse

overlooking impacts to any of the surrounding residential occupiers. The obscure glazing should be conditioned appropriately.

In order to prevent any future loss of privacy to neighbours, any planning permission granted should be conditioned to preclude the insertion of any windows or openings in any of the side elevations of the proposed development.

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 (2014).

Parking and Highways

The proposed development would result in the dwelling increasing from four bedrooms to five and there would be no alteration to the existing parking or access arrangements. The existing frontage parking area can accommodate three vehicles, which would be in line with the requirements of the Borough Council's adopted Vehicle Parking Standards for a dwelling with four or more bedrooms.

Overall, it is considered that the proposal would make sufficient provision for the parking of cars within the site in accordance with the Borough Council's adopted Vehicle Parking Standards and would be in line with Policy CS11 of the Gravesham Local Plan Core Strategy (2014) and Saved Policies T1 and P3 of the Gravesham Local Plan First Review (1994).

Any Other Material Planning Considerations

The application site is located within an area of multi-period archaeological potential, Groundwater Source Protection Zone 3, a Site of Special Scientific Interest (SSSI) Impact Risk Zone and a smoke control area. However, as the proposed development would be 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 any sensitive habitats, archaeological features or groundwater. As such, the proposal would be in line with Policies CS12, CS19 and CS20 of the Gravesham Local Plan Core Strategy (2014) and Saved Policy TC7 of the Gravesham Local Plan First Review (1994).

With regard to the smoke control area, 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

Obscure glazing to bathroom/en-suite/w.c. windows

No further openings in any of the flank elevations

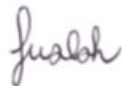
Conclusion

The proposal would comply with local and national planning policies and subject to the conditions set out above, the proposal would be acceptable. The previous grounds of refusal have been overcome.

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
Signed:		Signed:	



Dated:	26th May 2026	Dated:	26 May 2026