



Delegated Report

Planning Application

Planning Application No: 20251108

Location: 32 Lewis Road Istead Rise Gravesend Kent

Description: Demolition of existing two storey detached dwelling known as No 32 and the erection of a replacement self-build two storey dwelling and an additional self-build two storey dwelling to be known as No 30.

Applicant: Mr and Mrs Gareth and Hayley Nimmo

Site Visit Date: Desktop Assessment

Submitted Documents/Plans

Application Form

1325.WD.01 – Existing Site Plan and Location Plan

1325.WD.02C – Proposed Site Plan

1325.WD.03 – Existing Topographical Survey Site Plan

1325.WD.04B – Proposed Topographical Survey Site Plan

1325.WD.05B – Proposed Floor Plans – Dwelling A

1325.WD.06B – Proposed Floor Plans – Dwelling B

1325.WD.07B – Proposed Streetscape

1325.WD.08A – Proposed Front and Rear Elevations – Dwelling A

1325.WD.09B – Proposed Side Elevations – Dwelling A

1325.WD.11A – Proposed Front and Rear Elevations – Dwelling B

1325.WD.12A – Proposed Side Elevations – Dwelling B

Superseded Plans

~~1325.WD.02 – Proposed Site Plan~~

~~1325.WD.09A – Proposed Side Elevations – Dwelling A~~

Officer Note: A new outbuilding is shown on 1325.WD.04B – Proposed Topographical Survey Site Plan, but this does not appear on any other plan and does not form part of the proposal. This is disregarded for this application and any decision, is not based on this outbuilding.

The Proposed Site Plan and Side Elevations for Dwelling A were amended at the officers request to correct minor inaccuracies in fenestration and description of bedroom numbers.

Relevant Planning History

Reference	Description	Decision	Decision Date
20251107	Application for a Proposed Lawful Development Certificate; Erection of a single storey outbuilding ancillary to the main dwelling.	Certificate Granted	23.12.2025
20190492	Erection of a three bedroom dwelling with associated works.	Refused	08.07.2019

20181215	Erection of a four bedroom dwelling with associated works.	Refused	05.03.2019
20180239	Erection of two chalet style bungalows with associated access drive and fencing.	Refused	17.05.2018

Development Plan

Gravesham Local Plan Core Strategy (2014)

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS11 – Transport
- CS12 – Green Infrastructure
- CS14 – Housing Type and Size
- CS15 – Housing Density
- CS18 – Climate Change
- CS19 – Development & Design Principles

Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards
- T1 - Impact of Development on the Highway Network

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 5 - Delivering a sufficient supply of homes
- Section 12 – Achieving Well-Designed Places
- Section 15 – Conserving and enhancing the natural environment

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)

Consultations, Publicity and Representations

Consultees

Ward Councillors

No comments received.

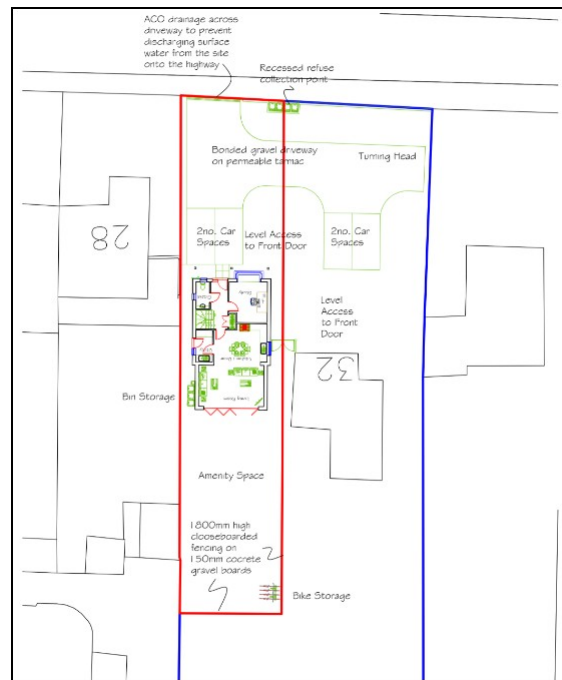
Neighbouring properties

- The scheme would impact residential amenity of neighbours – positioning, height, loss of daylight, sense of enclosure, overshadowing, overbearing, dominant and overlooking.
- Impact on character of area – pattern of spacing and building lines.
- The garage shown on the existing drawings is actually part carport and has less impact than an enclosed structure would.
- Metal fence located to the north of the rear garden of the site/ the alley does not have permission to remove this fence to gain access – referred to land registry documents.

Officer's Analysis

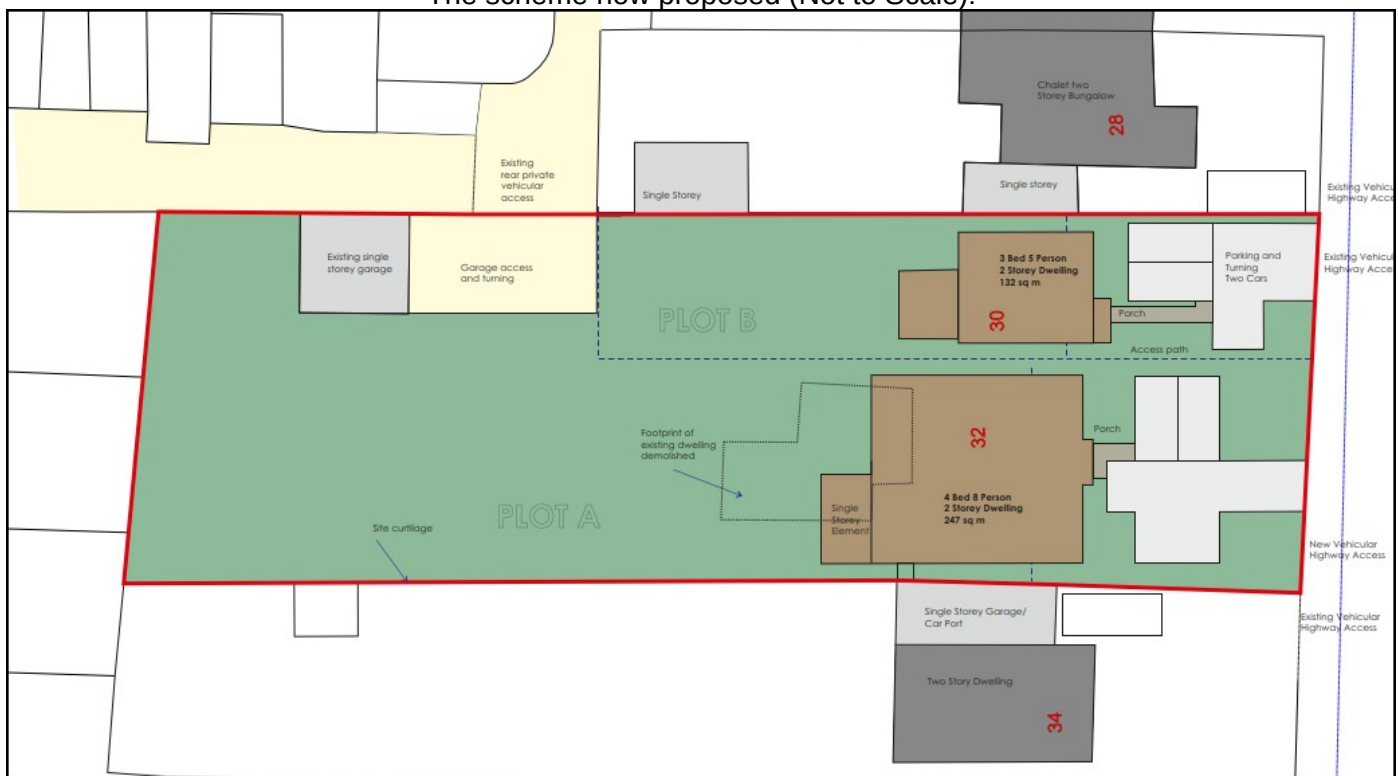
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Page 3 of 15



20190492 (Not to Scale)

The scheme now proposed (Not to Scale):



Principle of the Development

This application is located in Istead Rise which forms a rural settlement inset from the Green Belt, where alterations and extensions to residential buildings are generally acceptable in principle as per Policy CS02: Scale and Distribution of Development. It is noted that there is an extensive planning history on this site of proposed residential development being proposed. Whilst these are in mind during the assessment of this application, given that this is the first scheme to proposed demolition of the existing dwellinghouse, the scheme will be assessed in full.

However, all other relevant matters should be considered. The principal planning issues to consider in the assessment of this planning application are:

- The Principle of the Development
- Housing Need
- Density
- Character and Appearance
- Neighbouring Amenity
- Amenity of future occupants
- Parking and highway safety
- Ecology and biodiversity;
- Any other Material Planning Considerations

Housing Need

In *Hopkins Homes Ltd v Secretary of State for Communities and Local Government* [2017] 1 W.L.R. 1865, Lord Carnwath reemphasised that the National Planning Policy Framework is only a material consideration in planning decisions and that that planning applications should be determined in accordance with the development plan. Paragraph 12 of the NPPF expressly states that the starting point for decision-making is the development plan. Lord Carnwath as part of the Supreme Court decision stated,

"It is important, however, in assessing the effect of the Framework, not to overstate the scope of this policy-making role. The Framework itself makes clear that as respects the determination of planning applications (by contrast with plan-making in which it has statutory recognition), it is no more than "guidance" and as such a "material consideration" for the purposes of section 70(2) of the 1990 Act... It cannot, and does not purport to, displace the primacy given by the statute and policy to the statutory development plan. It must be exercised consistently with, and not so as to displace or distort, the statutory scheme."

It is a matter of law that all planning applications need to be considered in accordance with the legislation and relevant policy that applies at the point a decision is taken. The Council published a revised 5 year housing land supply statement in March 2023, it demonstrates that based on data up for the period 2022-2027, the Council can only demonstrate a land supply of 2.9 years.

Given the Council's current inability to demonstrate a 5-year housing land supply, and as the delivery of housing was substantially below (less than 75%) that required by the Housing Delivery Test, the housing delivery element of Gravesham's Local Plan Core Strategy (LPCS) (2014) Policy CS02 must be regarded to be out of date, as required by the Paragraph 11(d) of the National Planning Policy Framework (NPPF) (2024). This requires that in regard to housing development, planning permission should be granted unless:

the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

In the Gravesham context, the policies referred to in paragraph 11(d)(i) above are those set out in the NPPF at footnote 7 (rather than those in development plans) relating to any of the following:

Habitats sites (and those sites listed in paragraph 194) and/or designated as Sites of Special Scientific Interest;

Land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 75); and areas at risk of flooding or coastal change.

In determining applications for planning permission involving housing, the Council will therefore apply a

weighted balance in favour of granting planning permission in accordance with relevant case law and guidance, having regard to the acceptability or otherwise of the proposals when evaluated against development plan policy, the need to make efficient use of land (paragraph 129(c)) in context, the relative contribution the proposal makes towards the alleviation of any shortfall in housing delivery at that time and any other considerations material to the proposed development.

The proposed development for a net increase in residential units of 1 would offer minimal contribution towards meeting this local need and, accordingly, officers considers that this should be accorded appropriate weight in support of the application. However, this has to be balanced against other requirements of the Development Plan and NPPF (2024) which requires new development to be high quality, beautiful and create acceptable living conditions for future occupiers.

Notwithstanding the Council's shortages in housing delivery and the consequent weight to be given in favour of the proposed development it is necessary to assess the proposals against the policies in the National Planning Policy Framework (NPPF) and established local planning policy taken as a whole.

Density

Development on this site should meet the requirements of Policy CS14 (LPCS), where the Council expects new housing development to provide a range of dwelling types and sizes, taking into account the existing character of the area. Policy CS15 (LPCS) requires that all new housing will be developed at a density, which is consistent with achieving good design and does not compromise the distinctive character of the area in which it is situated. These policies will be considered and assessed against the proposal later in this report.

The site has an area of approximately 1518m². The current density of the site is approx. 6.59 dwellings per hectare and would be increased to 13.18 dwellings per hectare as a result of this development. Policy CS15 of the Core Strategy 2014 states that all new housing will be developed at a density that is consistent with achieving good design and does not compromise the distinctive character of the area in which it is situated. Within the rural area, new residential development will be expected to achieve a minimum density of 30 dwellings per hectare. Whilst this is not achieved by the proposed development, this would not be less than the current density. Although the minimum density is not met on this occasion, the development would be closer to achieving the minimum density than the existing situation and so reasonably on balance would comply with the requirements of Policies CS14 and CS15 of the Local Plan Core Strategy (2014). This does also need to be balanced against the impact of the increased density on the character of the area.

Design, Character and Appearance

The application site comprises an existing dwellinghouse; 32 Lewis Road, a detached two storey dwelling. Lewis Road is located more or less centrally within Istead Rise village and no. 32 is located on the western side of Lewis Road towards its northern end. Within the village as a whole, there is a variety of different types and sizes of dwellings and plots. There are also a variety of sizes and designs of dwellings in Lewis Road. The plot depths to the north of the site and opposite are of a fairly small depth where the dwellings are semi-detached or detached bungalows. It is from no. 32 onwards that they become slightly longer and there are some two storey dwellings and then more bungalows. The gardens are laid to lawn with a mixture of trees, hedgerows and vegetation along with some incidental outbuildings. The application site and the surrounding area have an attractive and locally distinctive character and appearance for these reasons.



Google Earth Image

The proposed development would demolish the house shown in the above image. It would create 2 new dwellinghouses. The proposed dwellinghouses would have a gap of approximately 1.8m between them. Then from either existing neighbour there would be spacing of at least 1 metre. To the south of this site the spacing from the side boundary tends to have slightly wider spacing but not significantly so.

Dwelling A

This dwelling would be the larger of the 2 and would be set forward and further to the south than the existing dwellinghouse, bringing it into line with the front elevation of 34 Lewis Road.



Proposed Elevations (Not to Scale)

Dwelling B

This dwelling is the smaller of the 2 and would sit slightly forward of dwelling A, but this is a minor set forward and given that the neighbours to the north are set further forward, it provides a visual transition between the neighbours.



Proposed Elevations (Not to Scale)

The dwellings would sit appropriately in the proposed designated plots and would not appear overly dominant or cramped. The dwellings are well designed, taking note of scale, height and appearances of neighbouring dwellinghouses, and it is considered the proposal is acceptable in terms of character and appearance. The site is situated in the Istead Arable Farmlands Landscape Character Area.

The proposal would represent a more intensive form of development than the existing use of the site; however, having regard to the spacing between buildings, the scale of surrounding development and the layout proposed, it would not result in a form of overdevelopment that would appear harmful to the character or appearance of the area.



Proposed Streetscape (Not to Scale)

When assessed in its site context, the scale, layout and density of the proposal are considered acceptable and would not undermine the established pattern of development within the street."

On balance, the proposed development would comply with the requirements of Policy CS19 of the Core Strategy 2014 and paragraph 135 of the NPPF (2024) in terms of design, character and appearance.

Amenity of Future Occupiers

The NPPF (2024) states that planning decisions should aim to secure a high standard of amenity for all existing and future users. The impact on amenity is also considered with regard to the criteria with Policy CS19 of the Core Strategy, which states that new development should be located, designed and constructed to safeguard the amenity, including privacy, daylight and sunlight, of its occupants, and those of neighbouring properties and land. The impact on neighbours will be assessed in the next section of the report.

Room Type	Proposed Internal Floor Area (m ²)		Minimum Space Standard (m ²)
	Dwelling A	Dwelling B	
Lounge/Dining Room/Kitchen	70.2	34.1	Kitchen/Diner: 12 Living Room: 13.2 Total: 25.2
Snug (Living Room)	12.1	9.2	13.2
WC Only	2.15	1.9	1.3
Bathroom and WC	3.4 3.2 6.2 4.1	2.5 5.2	3.6
Single Bedrooms		9.1	6.5
Double Bedrooms	17.8 14.8 17.6 17.7	16.7 16.8	11.2

Garden Measurement	Proposed Garden Space		Minimum Space Standard
	Dwelling A	Dwelling B	
Area	789.6m ²	150.3m ²	3 bed: 60m ² 4+ bed: 100m ²
Depth	40.7m	18m	10m

The tables above show that dwelling B would have a snug and a bathroom which is undersized. However, there is a Lounge/Kitchen/Diner and another bathroom which is in excess of the required internal space standards. As such, it is considered adequate living and bathroom spaces would be available for occupiers of the property. All other rooms and external spaces would be appropriately sized for both dwellinghouses.

In terms of occupier amenity as multiple properties are proposed it is also important to ensure that neither property would impact the others amenity in terms of overshadowing and overlooking.

Dwelling A would have a Home office and a Lounge/diner/kitchen window facing north at ground floor. It would also have a bathroom window facing north at first floor. Dwelling B would have a WC and Hall window facing South at ground floor and a bathroom and landing window facing south at first floor. The only habitable room serving window would be the Lounge/diner/kitchen window in dwelling A which is served by another window to the rear elevation and so despite potential overshadowing, this impact would be limited. There would also be no direct facing windows which would serve habitable rooms and so privacy distances are appropriate. Whilst the ground floor garage of 34 Lewis Road does face the side opening for dwellings



A's lounge/kitchen/diner, the garage is a non-habitable room with expected limited footfall and so the impact on privacy of the occupiers of dwelling A would be limited. In addition, any side facing bathrooms would be obscure glazed as reserved by condition.

Neighbouring Amenity

As outlined above, it is important that any development safeguards the amenity of neighbouring properties and land. Following a period of consultation with neighbouring properties, 10 objections (by 4 individuals) to the proposal were received.

The neighbours most likely to be impacted by the development are 28 Lewis Road to the north and 34 Lewis Road to the south.

28 Lewis Road



34 Lewis Road



The below plans show a 45 degree test taken from the side openings of the existing neighbouring properties. It shows there is potential for overshadowing and so, further assessment in the form of an elevational test needs to be undertaken.



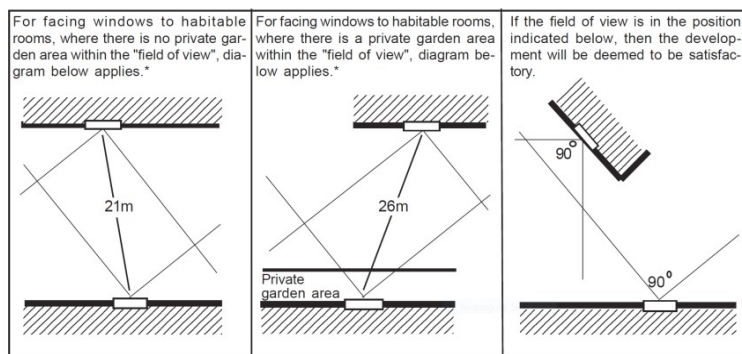
45 degree test

The elevational 25 degree test below shows that only garage windows at 34 Lewis Road would be overshadowed. As these are non-habitable rooms, this would be considered acceptable.



25 degree test

Figure 1



* A 90° field of view is measured from the central point of a window of a habitable room on any elevation, to where it overlaps a 90° field of view from the central point of a window to a habitable room on any elevation of another property.

Privacy Distances from the Residential Layout Guidelines (2020)

There would be no direct facing windows which would serve habitable rooms and so privacy distances are appropriate.

Overall, and having regard to separation distances, orientation and the scale of the proposed development, the proposal would not result in material harm to the living conditions of neighbouring occupiers. The proposal is therefore considered to safeguard the amenity of neighbouring properties in compliance with policy CS19 of the Core Strategy 2014.

Parking and Highways

The existing access is from Lewis Road. There is a separate pedestrian and vehicular access. This scheme would create 2 vehicular accesses (one for each property). Given the open fronted nature of the plot and the spacing of the accesses no concern is raised regarding visibility splays.

Two spaces are required for a three-bedroom property and three spaces for a 4-bedroom property. The accesses would serve 2 parking spaces for each property. But it is evident that the drive itself could accommodate additional parking. The proposal would therefore achieve the maximum parking spaces for both the proposed dwelling and the host dwelling as set out in SPG 4 – KCC Kent Vehicle Parking Standards (2006) for a three and a four-bedroom property.

Adequate vehicle and cycle parking provision is therefore available in accordance with paragraphs 109 to 114 of the National Planning Policy Framework (2024), Saved Policies T1 and P3 of the Local Plan First Review (1994) and Policies CS11 and CS19 of the Core Strategy 2014 subject to further details of cycle parking provision.

Ecology and Biodiversity

Biodiversity Net Gain

Under the Environment Act 2021 and supporting Statutory Instruments Biodiversity Net Gain (BNG) is now mandatory for most development. The legislation requires a minimum 10% gain in biodiversity from applicable development either onsite, offsite or a combination of both.

BNG provided under the mandatory requirements offsite and significant BNG onsite must be secured by a legal agreement for 30 years under an approved Habitat Management and Monitoring Plan (HMMP)

There are strict legal requirements in terms of what an application must contain in relation to BNG before it can be accepted as valid. This is set out in Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990 and requires the completed metric calculation tool showing the calculations of the pre-development biodiversity value of the onsite habitat on the date of application and other information.

However, certain applications are exempt from the BNG regulations (the Biodiversity Gain Requirements Exemptions) Regulations 2024) including householder applications and include:

- Householder development as defined within article 2(1) of the Town and Country Planning Development Management Procedure) (England) Order 2015.
- Development granted planning permission by a development order under section 59. This includes permitted development rights.
- Development subject to the de minimis exemption - development that does not impact a priority habitat and impacts less than 25 square metres (e.g. 5m by 5m) of habitat, or 5 metres of linear habitats such as hedgerows.
- Self-build and custom build development - development which:
 - consists of no more than 9 dwellings, and
 - is carried out on a site which has an area no larger than 0.5 hectares, and
 - consists exclusively of dwellings which are self-build or custom housebuilding as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015

The applicant has indicated on their application form that this is a self-build scheme. The proposal description has been updated to indicate that the dwellings would be self-build, therefore complying with this exemption to the Biodiversity Net Gain requirement. The proposal is therefore considered acceptable in biodiversity terms.

Thames Estuary and Ramsar Buffer

Paragraph 180 and 183 of the NPPF (2024) requires planning decisions to ensure that the natural and local environment is enhanced by minimising impacts on and providing net gains for biodiversity and this is reflected in Section 40 of the Natural England Commission Rural Communities (NERC) Act (2006) and the Environmental Act (2021).

Policy CS12 (LPCS) indicates that sites designated for their biodiversity value will be protected, with the highest level of protection given to internationally designated Special Protection Areas, Special Areas of Conservation and Ramsar sites, and that there will be no net loss of biodiversity in the Borough.

The existing garden will not alter as part of this proposal, therefore there would be no biodiversity net loss.

The Thames Estuary and Marshes Ramsar site and Special Protection Area (SPA) are internationally important for nature conservation as the area is a wetland and supports important numbers of wintering waterbirds and migrating birds. There has been a decline in the number of birds using these sites in recent years. Studies show that this could be due to people using the estuary and marshes for recreation

purposes. The North Kent Bird Disturbance Report concludes that all new housing development within 6km of the North Kent Ramsar Sites or Special Protection Areas (including the Thames Estuary and Marshes) and larger housing development beyond 6km from the sites could have an adverse impact on them. This is because new housing development is likely to lead to further increases in recreational use of the sites which means that further declines in the bird population cannot be ruled out. Possible mitigation measures are set out in the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring Strategy. Having considered a number of options, the Council have decided to impose a tariff on new housing development. Developers will need to pay £337.49 for every new dwelling provided within 6km of the Ramsar site and SPA and for larger housing developments beyond 6km from them. The money raised will be used to pay for schemes to avoid the adverse impacts of new housing development on the birds.

Where there are no other contributions required for a development applicants generally have chosen to submit the payment of £337.49 per dwelling by filling in the Strategic Access Management and Monitoring Strategy (SAMMS) Agreement. By filling in this form there are no legal fees to be paid by the applicant and refund mechanisms are in place in the event of a refusal.

The applicant has completed the SAMMS Mitigation Contribution Agreement and made the required payment, addressing this issue.

Therefore, the development would comply with the requirements of the Habitat Regulations and Section 14 (specifically paragraphs 185 and 186) of the National Planning Policy Framework 2024 and Policy CS12 of the Gravesham Local Plan Core Strategy (2014).

Enhancement

No ecological details have been submitted with the application. However, ecological enhancement features must be incorporated into the site. This requirement can be addressed by a condition for an ecological enhancement plan, as a proportionate enhancement measure.

Conclusion

The proposed development would provide two residential dwellings within an established residential area. The principle of residential development is acceptable, and the proposal has been assessed against all relevant material planning considerations.

It is concluded that, while the development would represent a more intensive use of the site, the scale, layout and design would not result in material harm to the character or appearance of the area. The relationship with neighbouring properties would be acceptable, and the proposal would not result in unacceptable impacts on future occupier or residential amenity. Adequate parking and turning facilities would be provided, and matters relating to ecology and biodiversity enhancement can be appropriately addressed via planning conditions.

The proposal is therefore considered acceptable in planning terms and complies with all relevant national and local planning policies.

Recommendation

The recommendation is to approve, subject to planning conditions.

(For detailed conditions and informatives, see draft Decision)

Case Officer:	Mrs Lisa Fisher	Team Leader:	Richard Hart
Signed:		Signed:	<i>R Hart</i>

Dated:	21 st January 2026	Dated:	22 nd January 2026
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