

Delegated Report

Householder Planning Application

Planning Application No: 20251197

Location: 21 Edgehill Gardens Istead Rise Gravesend Kent

Description: Conversion of the loft space to a annexe ancillary to the main dwellinghouse. Re-pitching of the roof and construction of two dormers on both side elevations with installation of windows on all elevations. Erection of an external staircase and removal of chimney stack.

Applicant: Rob Howlett

Site Visit Date: 20.01.2026

Submitted Documents/Plans

- Application Form
- Site Location Map
- Drawing No: 021RH/P (Existing/Proposed Plans, Elevations and Block Plans)

Relevant Planning History

No relevant Planning History.

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS11 - Transport
- CS12 – Green Infrastructure
- CS18 – Climate Change
- CS19 – Development & Design Principles

Saved Policies in the Gravesham Local Plan First Review (November 1994):

- P3 – Vehicle Parking Standards

Paragraph 34 of the NPPF (2024) sets out those 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 The review 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 a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) general conform with the National Planning Policy Framework (2024), the Council will also seek to replace these.



Other material considerations

National Planning Policy Framework (2024)

- Section 2 – Achieving sustainable development
- Section 12 – Achieving Well-Designed Places

Supplementary Planning Guidance

- SPG2 - Residential Layout Guidelines (2020)
- SPG 4 - KCC Parking Standards (2006)
- SPD4 - Householder Extensions/Alterations Design Guide (2021)
- Design for Gravesham – Design Code (2024)
- Technical Housing Standards – Nationally Described Space Standard (2015)
- Gravesham Landscape Character Assessment (2009)

Consultations, Publicity and Representations

Local Ward Councillors

No comments received.

Neighbouring properties

The application was advertised by way of letters to seven surrounding properties. The consultation period expired on 30.12.2025 and one supporting comment was received.

The comments made in the supporting statement raised concerns with regards to overlooking and requested that the windows and door be obscure glazed for all fenestrations in the dormer.

The main points raised in the objection were:

- Adverse Impact on Residential Amenity and Visual Intrusion
- Residential Use and Future Occupation Concerns
- Planning Consistency and Precedent

Analysis

Proposal

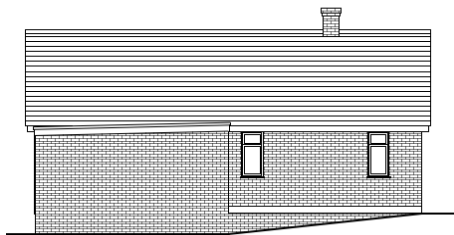
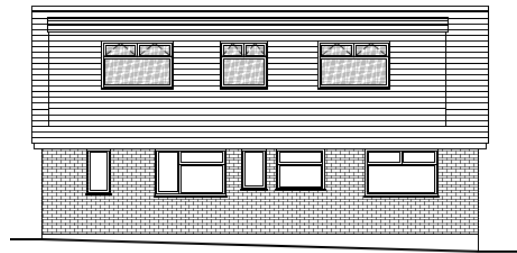
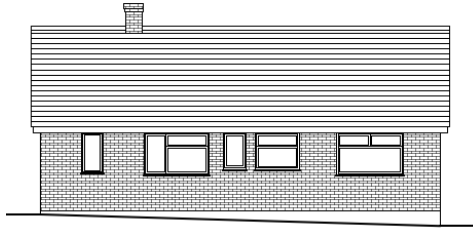
The proposal seeks to convert the loft space into an annexe ancillary to the main dwellinghouse. The proposal also seeks to alter the roof pitch and construct two dormers on both side elevations with installation of windows on all elevations. The proposal will also see the erection of an external staircase and removal of the chimney stack. Although the proposed front elevation does not show the presence of the external staircase, this is an error and it is clear that the staircase will be visible from the front elevation;

Existing

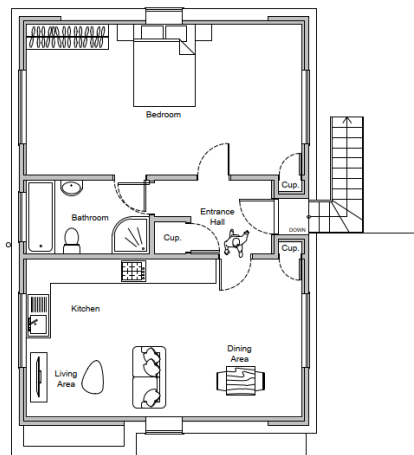


Proposed





Existing Ground Floor Plan
4-400



Principle of the Development

A key consideration in this application is whether the site will continue to operate as a single planning unit or whether there will be two households living independently of each other on the site. However, identifying a separate planning unit requires consideration of a range of factors and not simply if a unit of accommodation is self-contained, but is a matter of fact and degree. Even if the accommodation provided facilities for independent day-to-day living, it would not necessarily become a separate planning unit from the main dwelling; it is a matter of fact and degree whether a change of use has occurred.

Case Law

The use of an existing part of a dwelling for ancillary residential accommodation in association with a main dwellinghouse does not generally require planning permission provided it is intended for independent living purposes. However if an annexe contains independent living then this would be classed as a separate dwelling for which permission is required.

If the accommodation created constitutes a separate planning unit, this then is not an incidental use, as Sec. 55(3)(a) makes clear. Any separate residential occupation of a building or buildings formerly within an existing single residential planning unit is development by virtue of Sec. 55(3)(a) of the 1990 Act, as confirmed by *Wakelin v SoS* 1978, a case in which a large house with a lodge that had been converted into two flats used as guest suites was proposed to be converted into a separate dwelling and sold off. The court held that the house, lodge and grounds were one planning unit and that to sever the lodge would constitute a material change of use.

In essence, an annexe will become a separate single dwellinghouse where it is self-contained with all the necessary day-to-day living facilities and has resulted in the creation of a separate planning unit. *Uttlesford DC v SoS and White* 1992, in which a garage attached to a dwelling had been converted to a 'granny annexe', provides leading case law on the matter. In *Uttlesford* an Inspector had determined that where a domestic garage within a residential curtilage was used for living accommodation in connection with the dwelling, no material change of use occurred. The court agreed, ruling that the fact that the elderly occupier of the annexe had all the living facilities that enabled her to live independently from the rest of the family did not amount to the creation of a separate planning unit that required permission. The significance of this case is that the even though the accommodation in the garage was capable of independent use, the court judgment suggested that a quality of separateness was occupation by someone who was not connected with the family occupation of the whole planning unit.

Identifying a separate planning unit requires consideration of a range of factors and not simply the self-containment of the accommodation, and is a matter of fact and degree. In her decision to grant permission for the conversion and extension of an outbuilding at a house in the Essex green belt to a residential annexe, notwithstanding the Council's concern that it would result in the creation of an independent residential unit, the Inspector in *Castle Point* 27/11/2020 DCS No 400-028-727 relied on the *Uttlesford* judgment. The Council had reached its own view that the proposal was tantamount to a new dwelling with reference to *Gravesham BC v SSE* 1984 because the accommodation provided all the facilities for independent day-to-day living. The Inspector, however, followed the more recent and relevant case law in *Uttlesford*, stating that even if the accommodation provided facilities for independent day-to-day living, it would not necessarily become a separate planning unit from the main dwelling and it was a matter of fact and degree whether a change of use had occurred.

In the case before her, the Inspector recorded that whilst the extension and conversion of the outbuilding would provide all the facilities for day-to-day living, it would function as an annexe, with the primary occupants also sharing living space, eating and socialising with the rest of their family in the main dwelling. There was a paved footpath between the annexe and the main house allowing easy access between the two. As such, she held that the garage conversion would remain part of the same planning unit as the main dwelling. Based upon the evidence before her the inspector was satisfied that the proposal related to an annexe. She allowed the appeal subject to a condition that it should not be severed from the main house by reason of being sold or let as a separate unit of accommodation.

In reaching her decision, the Inspector noted that reference had also been made to Carter v South Bucks DC 2011 but considered that case was different in that a garage had been converted into a three-bedroomed property with a substantial conservatory extension. It had its own garden, separated from the main dwelling by fencing, trees and shrubs, with no footpath linking the two buildings. Whilst family meals were taken together that was in the substantial garage conversion rather than in the host dwelling. As a matter of fact and degree in that case it was found that a new planning unit had been created.

In this case, the proposed annexe would be capable of being occupied independently, as there is a full kitchen providing cooking facilities within the annexe. The kitchen facilities do not provide details in regards to washing appliances within the annexe, however it is evident that the proposed kitchen would be readily capable of providing such appliances if necessary. Moreover, the information submitted does not explicitly state that the annexe will be occupied by a close family member or how it is reliant upon the host dwelling for any day to day living requirements.

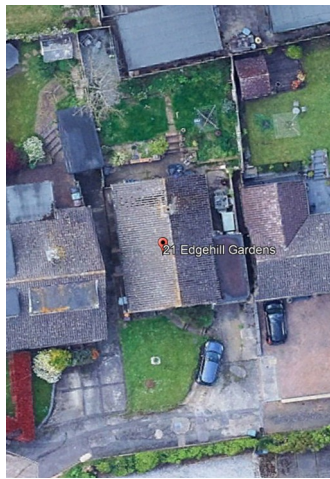
The annexe will be independently accessed, and would essentially be severed from the host dwelling and used as a self contained flat as there is adequate provision for independent living within the space. Although pathways and hardstanding would be shared with the main dwelling, there is no reliance on the main dwelling for access or day to day living arrangements. The proposal therefore considered to lend towards the creation of a separate planning unit on the site.

While it is acknowledged that planning conditions could be used to restrict independent use, the lack of shared space and separate entrance clearly represents a physical separation between the two buildings. Also no details have been provided to confirm that the annexe will be occupied by a close family member, the Local Planning Authority would not be able to restrict facilities within the annexe to ensure it remains somewhat incidental to the main dwelling house. As such, on the information provided with this application and the relationship between the main dwelling and the annexe is considered to create a separate planning unit.

It is on this basis and in considering the above case law, as a matter of fact and degree, a new planning unit would be created at the application site. The proposal would therefore conflict with Policy CS02 of the Local Plan Core Strategy 2014.

Character and Appearance

The application site is a detached bungalow situated on the northwest corner of a cul de sac known as Edgehill Gardens. The property has an attached garage which has an external entrance. The general character of the area comprises a mix of detached and semi detached bungalows with the exception of No's 24 and 26 Edgehill Gardens which are two storey dwellings.



The road slopes down to the east and again down to the North, this means that any development would need to carefully consider the impact on neighbouring properties especially where there is a proposed increase in the roof height.

The proposed development seeks to increase the roof height from 5.3m to 5.9m whilst introducing two flat roof side dormers. The proposed dormers would be large and occupy a vast amount of the roof slopes and include a number of fenestrations in each of the sides to serve a proposed annex. The entire roof area would be utilised as an “annexe” and would include an external stair case to provide access to the unit.

The proposed external staircase resembles an access which is usually seen with flats, it is also noted that such arrangements are not present within this area and would appear as an out of character addition.

Section 10.8 of the Council’s adopted design guidance states *“Dormers should not overwhelm the roof slope within which they are to be placed, being sited well clear of the roof edges and eaves”*.

Whilst the dormers are set below the ridge and away from the eaves, they are large and significant and occupy a large bulk of the roof slope, not only are they vast there are two proposed dormers on both roof slopes. This represents significant overdevelopment of the roof and is an unsightly addition which is damaging to the character of the original bungalow as well as the surrounding properties. It is acknowledged that roof alterations and dormers can be undertaken through permitted development, but not to the extent of this proposal.

The increase to the height of the roof will further increase the prominence of the the development which further exacerbates the poor design, further worsened by the sloping topography of the land, dominating

the adjacent property, no. 23 Edgehill Gardens. Overall the design of the roof gives it the appearance of a block of flats which is bulky and of an unacceptable scale, furthermore the introduction of an external staircase is also an out of character addition which is harmful to the character of the dwelling and wider surroundings.

The proposed roof alterations and external staircase, due to their bulk, scale and design would result in overdevelopment development of the property, and disproportionate additions which are harmful to the character and appearance of the host dwelling and wider area contrary to Policy CS19 of the Local Plan Core Strategy 2014, SPD4 - Householder Alterations and Extensions Guidance 2021 and Para 131 of the National Planning Policy Framework 2024.

Amenity of Future Occupiers

Policy CS19 of the Local Plan Core Strategy 2014 (LPCS) requires that all development should be 'fit for purpose' and be 'adaptable to allow changes to meet the need of users' and that 'the design and layout of new residential development, including conversion, will accord with the adopted Residential Layout Guidelines' (RLG) (2020). Moreover, on 25 March 2015 the Government issued a written ministerial statement, which introduced new technical housing standards in England and set out how these would be applied through planning policy. These standards came into effect on 1 October 2015.

Although the application is for an annexe, as explained above proposal is considered to be a new planning unit. This is further proven when the floor area of the proposed unit is calculated. The Nationally Described Space Standards (2015) require a single storey dwelling for one person requires a floor area of 39m². However it does not provide a figure for an annexe. Nonetheless, the floor area of the proposed annexe is approximately 64.55m², which is above the minimum floor area for a unit of single occupation, emphasising the scale of the annexe and how it represents the creation of a new planning unit.

However despite the above, the proposed annexe is considered to provide an adequate living environment for future occupiers. As such the development safeguards the amenity of future occupiers and is compliant with Policy CS19 (LPCS) and Section 12 of the NPPF (2024).

Neighbouring Amenity

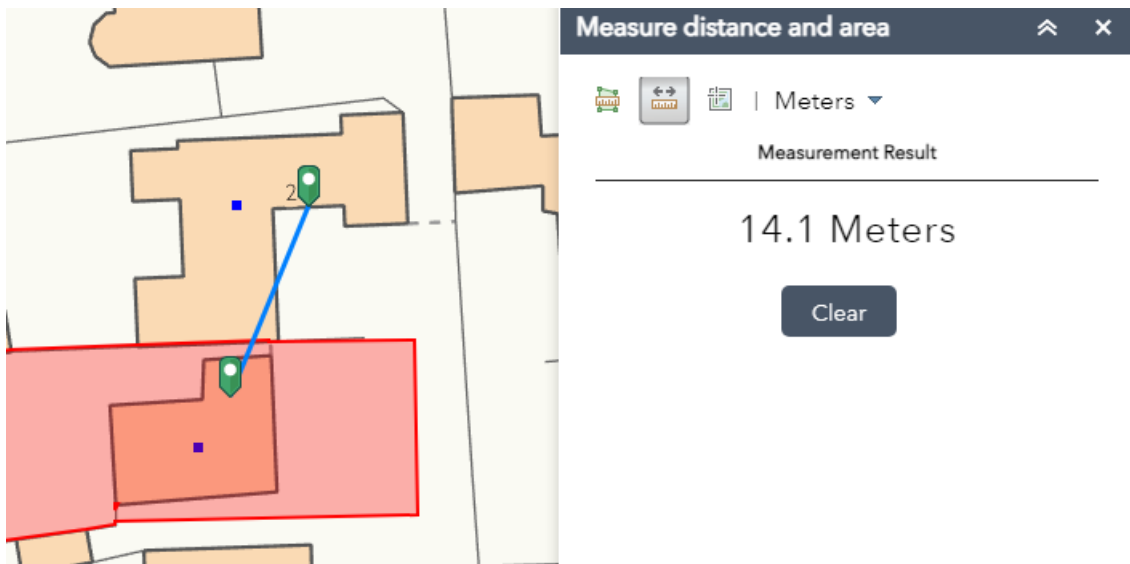
Policy CS19 (LPCS) seeks to protect amenity and ensure acceptable future living conditions. Section 12 of the NPPF (2024) also assists and seeks to ensure developments will function well, do not undermine quality of life and create attractive and comfortable places to live, work and visit and seeks to "secure high-quality design and a good standard of amenity for all existing and future occupants of land and buildings".

The annexe will be constructed above an existing dwelling house and as such will be on a higher vantage point with fenestrations in both flank elevations which will have direct views towards No's 19 and 23 Edgehill Gardens. A neighbour representation referred to concerns regarding overlooking into a private area from the proposed side dormers.

The property located to the south is known as No.19 Edgehill Gardens. The below plans which have been retrieved from Rightmove indicate that there are two windows in the flank elevation which face towards the application site. The second image shows the roof slope in its current form from the dining area, an increase to this height and introduction of a dormer and subsequent windows which will serve living spaces will not only impact privacy to these windows but also create a sense of enclosure as a result of the introduction of dominant development in this side of the roof slope. This will create an unneighbourly form of development which will be harmful to the amenity of neighbouring occupiers.



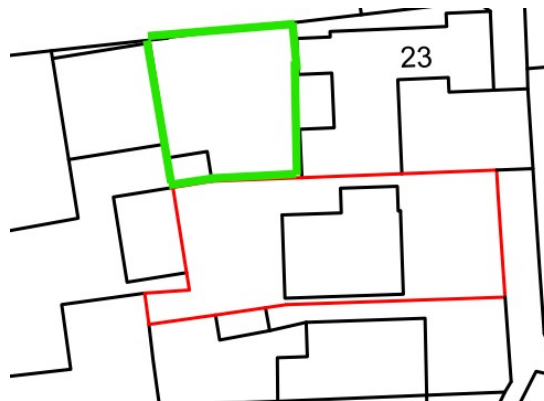
No.23 Edgehill Gardens is situated to the North of the site and whilst the proposed development would impact the main dwelling on terms of overlooking. The window to window distance would be substandard at approximately 14m, when at least 21m would be expected;





While there may be the potential to obscure the windows on the flank elevation, this is not the proposal before us and by doing so, would be detrimental to the amenity of future occupiers in terms of a poor outlook.

There is also the potential for overlooking into the private garden space of this property. No.19's garden area is screened by an existing garage however aside from a fence there is no screening for No.23 which would offer screening from a higher vantage point.



On balance, the proposed development and windows on the flank elevations of the dormer would lead to unacceptable levels of both direct and perceived overlooking to neighbouring properties and would be harmful to the amenities of the existing and future occupiers of these properties. The proposal would also diminish outlook and would constitute an unneighbourly form of development. As such, the proposed development would be contrary to Policy CS19 (Development and Design Principles) of the Gravesham Local Plan Core Strategy (September 2014) and Section 12 of the National Planning Policy Framework (2024), which requires new development safeguard the amenity of neighbouring properties.

Parking and Highways

Any proposals would need to be considered against saved policy T1 (LPFR) (1994) and Policy CS11 (LPCS). These policies ensure that development provides an acceptable amount of parking in accordance with the adopted KCC Parking Standards and the access and parking arrangements do not have a detrimental impact on highway safety.

The existing property benefits from a garage, with a parking space in front. As such there are

two existing off-street parking spaces available. Gravesham's adopted KCC parking standards (SPG4) (2006), states that a four bedroom property (three bed dwelling and one bed annexe) should provide no.2 off-street parking space. Therefore, the proposed development is in accordance with parking guidance and will not impact on parking provision or the highway network.

Any Other Material Planning Considerations

Impact on the landscape - The application site is located within the Istead Arable Farmlands Landscape Character Area. This area is characterised by gently undulating topography with open arable fields, the Istead Rise modern housing development and clusters of properties and farmsteads.

Policy CS12 of the Gravesham Core Strategy 2014 seeks to protect the green infrastructure within the Borough and states at 5.7.26 the overall landscape character and valued landscapes will be conserved, restored and enhanced.

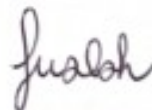
It is considered that the proposed extensions, due to the site's location within the rural settlement, will not detrimentally impact on the landscape.

Conclusion & Recommendation

The proposed development fails to comply with policy and raises concerns regarding the use of the annexe as a separate unit. Furthermore there are significant design issues alongside concerns of the impact of the development on neighbouring amenity. The proposal is therefore recommended for refusal owing to the below three grounds.

1. The proposed annexe is considered to represent an independent planning unit by virtue of having no reliance with the host dwelling by providing all the day-to-day facilities of a self contained dwelling, as well as its own separate access, resulting a physical separation between the two units which can be accessed independently. Therefore, as a matter of fact and degree, the annexe is considered a separate planning unit which would therefore conflict with Policy CS02 of Gravesham's Local Plan Core Strategy (2014).
2. The proposed roof alterations and external staircase, due to their bulk, scale and design would result in overdevelopment development of the property, and disproportionate additions which are harmful to the character and appearance of the host dwelling and wider area contrary to Policy CS19 of the Local Plan Core Strategy 2014, SPD4 - Householder Alterations and Extensions Guidance 2021 and Para 131 of the National Planning Policy Framework 2024.
3. The proposed development and windows on the flank elevations of the dormer would lead to unacceptable levels of both direct and perceived overlooking into neighbouring properties and would be harmful to the amenities of the existing and future occupiers of these properties. The proposal would also diminish outlook and would constitute an unneighbourly form of development. As such, the proposed development would be contrary to Policy CS19 (Development and Design Principles) of the Gravesham Local Plan Core Strategy (September 2014) and Section 12 of the National Planning Policy Framework (2024), which requires new development safeguard the amenity of neighbouring properties.

(For detailed reasons for refusal and informatives, see draft Decision)

Case Officer:	Mrs Sharon Sahota	Team Leader:	Mrs Faye Wash
Signed:		Signed:	

Dated:	21.01.2026	Dated:	22 January 2026
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