

Delegated Report

Householder Planning Application

Planning Application No: 20260687

Location: 27 Edwin Street Gravesend Kent

Description: Retention of rear outbuilding

Applicant: Mr Jagtar Chopra

Site Visit Date: 25th August 2026

Submitted Documents/Plans

Application Form;
JAC/26/01 – Planning Drawing.

Relevant Planning History

Reference	Description	Decision	Decision Date
20060839	Conversion of dwelling into two self contained flats involving construction of dormer window in rear roof slope and conversion of roof space into a bedroom and construction of lightwell at front basement level to provide stairway with railings.	Permitted	28.11.2006
19960208	Formation of an enlarged lightwell and erection of 1.1m high railings at the front	Permitted	17.05.1996
19740103	Erection of two storey extension at rear.	Application Refused	26.06.1974

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

Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards

As set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012 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

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 (2026), the Council will also seek to replace these.

National Planning Policy Framework (2026)

- Section 4 -Achieving Sustainable Development
- Section 5 – Meeting the challenge of climate change
- Section 12 – Making Effective use of land
- Section 14 – 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

Section 38(6) of the Planning and Compulsory Purchase Act 2004 (Planning and Compulsory Purchase Act 2004) and section 70(2) of the Town and Country Planning Act 1990 (Town and Country Planning Act 1990) make it clear that planning applications can only be determined in accordance with the development plan, unless material considerations indicate otherwise.

Decision Making Policy DM4 of the Framework sets out that when considering development proposals, relevant policies may be given weight, however, this is subject 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 compliance of the relevant policies in the emerging plan with the policies for plan-making in this Framework (the closer the policies in the emerging plan to the policies in this Framework, the greater the weight that may be given to them).

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 of the Framework, which from 17 August 2026 Decision Making Policy DM4 of the Framework.

The Council's emerging Local Plan has reached the Regulation 19 Consultation stage, with the consultation having ended on 18 August 2026. The emerging Local Plan does not form part of the Development Plan.

The Council is aware that third parties have raised objections to the wider emerging Local Plan and specific policies within it. Therefore, at present the Council cannot categorically state that the emerging Local Plan can be considered sound and consistent with the National Planning Policy Framework (2024) [as an emerging Local Plan being brought forward under the legacy system, it would be examined under the 2024 Framework]. 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

Twelve surrounding properties were consulted with a response date of 03.08.2026, one representation was received in response objecting to the proposal, the issues raised are summarised as follows:

- The outbuilding was extended without prior consent
- The outbuilding has no direct street frontage
- They are concerned the reliance on the alley for access to the building would raise security issues
- No provision has been made for fire safety and emergency access.
- Inappropriate intensification of use in a constrained backland location

Officer's Analysis

Design, Character and Appearance

Policy DP3 of the NPPF 2026 requires development proposals to respond to their context (the history, character and features of their site and its setting), so that they integrate with and enhance their surroundings; such as through the arrangement of development plots and buildings, the use of materials and architectural features, and the restoration, reuse and integration of heritage assets.

Policy CS19 of the Local Plan Core Strategy states that new development will be visually attractive, fit for purpose and locally distinctive. It will conserve and enhance the character of the local built, historic and natural environment and integrate well with the surrounding local area.

The application seeks permission for the retention of an extension to the rear outbuilding. The extension which projects from the front elevation of the outbuilding has been built to a width of 1.7m and has a total depth of 3.25m. It has been built to the same height as the existing outbuilding. The resultant building is 'L' shaped with a total depth of 7.6m. Given the modest size of the rear garden area, the extension to the outbuilding building represents an overdevelopment which results in a structure that dominates the application site.

The increased depth of the built form along the western boundary results in a development out of scale and appearance with the surrounding properties and outbuildings therefore introducing a dominant building with a non-domestic appearance contrary to Policy CS19 of the Gravesham Local Plan Core Strategy 2014 and section 14 of the National Planning Policy Framework 2026.

Amenity of Future Occupiers

Policy CS19 (LPCS) seeks to protect amenity and ensure acceptable future living conditions are included in the LPCS. Policy P3 of the NPPF also assists and seeks to ensure developments will function well, do not undermine quality of life.

The application property is a two-bedroom property, the council's Residential Layout Guidelines sets a minimum private amenity area requirement of 37.2m² for a two-bedroom dwelling. The retained garden area is approximately 26.5m² in area. The retained garden area does not meet the minimum required rear private amenity area for a two-bedroom property set out in the council's Residential Layout Guidelines. It is considered that the lack of adequate private amenity space would be detrimental to the amenity of occupants of the dwelling. The resultant garden area is significantly undersized for a two-bedroom property and would be detrimental to the amenity of occupants of the property. It is therefore

considered that the development is contrary to Policy CS19 of the LPCS and Policy P3 of the NPPF in this regard.

Neighbouring Amenity

Policy DP3 of the National Planning Policy Framework (2026) requires development proposals to respond positively to their context and integrate successfully with their surroundings. In addition, Policy P3 seeks to ensure that development provides healthy living conditions for occupiers and users, including adequate access to light and protection from adverse impacts that could affect health or quality of life.

Despite the excessive scale of the resultant outbuilding given its single storey nature and siting to the rear of the garden, it is considered unlikely that the extension to the outbuilding has resulted in any significantly harmful overshadowing or overbearing to neighbouring properties. It is also noted that there are windows to the east facing side elevation, facing the property at no.26, however, the existing boundary treatment along the shared boundary would screen any views from these windows. In terms of noise, it is considered that in normal use, there would be no significant noise disturbance arising from the development.

Parking and Highways

The proposal would not result in the requirement for any additional off-street parking as there would be no increase in the number of bedrooms at the property, and there would be no loss of parking. As such, the proposal is considered to be acceptable in regard to its impact on parking and highway safety.

Any Other Material Planning Considerations

Biodiversity net gain

It is considered that the de-minimis BNG exemption would apply to this development, as the development would impact less than 25 square metres of on-site habitat.

Conclusion

The increase in depth of the built form along the western boundary has resulted in a development out of scale and appearance with the surrounding properties and outbuildings, resulting in a dominant building which is detrimental to the enjoyment of the property's garden and the character of the surrounding area contrary to Policy CS19 of the Gravesham Local Plan Core Strategy 2014 and section 14 of the National Planning Policy Framework 2026.

Recommendation

For detailed reasons for refusal and informatives, see draft Decision

Case Officer:	Adeoye Lawal	Team Leader:	Richard Hart
Signed:	<i>Ade Lawal</i>	Signed:	<i>R Hart</i>
Dated:	24th August 2026	Dated:	17 th September 2026