



Appeal Decisions

Site visit made on 27 May 2026

by Thomas Courtney BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 June 2026

Appeal A Ref: 6003145

40 Cross Lane East, Gravesend, Kent, DA12 5HB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Singh against the decision of Gravesend Borough Council.
 - The application Ref is 20251046.
 - The development proposed is the demolition of existing garage, erection of a two-storey side extension and conversion of dwelling (use class C3) into a 9-bedroom House in Multiple Occupation (sui generis).
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Appeal B Ref: 6005180

40 Cross Lane East, Gravesend, Kent, DA12 5HB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Singh against the decision of Gravesend Borough Council.
 - The application Ref is 20251262.
 - The development proposed is the demolition of existing garage, erection of two-storey side extension, small rear extension, small rear dormer and conversion of dwelling into 3 no. self-contained flats (Use Class C3).
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Decision

1. The appeals A and B are dismissed.

Preliminary Matters

2. There are two appeals before me at 40 Cross Lane East, Gravesend. The proposals relate to extensions, an HMO conversion for Appeal A, and the subdivision and creation of three separate flats for Appeal B. Given they relate to the same property, the design similarities, and the overlap in the main issues, I have considered the appeals together in a single decision in the interests of consistency and efficiency. Nonetheless, for the avoidance of doubt, I have determined each appeal on its own planning merits.

Main Issues

3. The main issues in both appeals are:
 - the effect of the proposals on the character and appearance of the area;
 - the effect of the proposals on the living conditions of neighbouring occupiers; and
 - the effect of the proposals on the Thames Estuary and Marshes Special Protection Area (SPA) and Ramsar site.

Reasons

Character and appearance

4. The appeal property occupies a corner plot within an established residential area characterised predominantly by terraced and semi-detached family dwellings. Appeal A seeks to extend the dwelling and convert to a 9-bedroom House in Multiple Occupation (HMO) accommodating up to 16 residents. Appeal B seeks similar extensions but would instead subdivide the property into three self-contained flats.
5. In both appeals, the proposed side extension would increase the width of the building and reduce the open area to the side of the plot. Nevertheless, the extension would broadly reflect the form, proportions and appearance of the existing dwelling and would read as an integrated addition rather than an incongruous feature. The rear dormers would not appear unduly prominent within the wider streetscene. Consequently, I do not find that the physical alterations proposed in either appeal would materially harm the visual character and appearance of the area.
6. However, character is not solely a visual concept. The appeal site lies within an area typified predominantly by single-family housing. The dwelling remains suitable for family occupation and there is no suggestion that its continued use as such would be impracticable.
7. In Appeal A, the proposal would replace that use with a 9-bedroom HMO accommodating up to 16 residents. Whilst HMOs form an important component of the housing stock and can contribute to the provision of more affordable units, the scale of occupation proposed would represent a substantial intensification of residential use. The resulting pattern of occupation would be materially different from that typically associated with the surrounding family dwellings and would introduce a form of residential accommodation that would sit uncomfortably with the established character of the locality.
8. Appeal B would not result in the same level of intensification. Nevertheless, it would subdivide an existing family dwelling into three separate residential units. Policy CS14 of the Council's Core Strategy¹ seeks to protect the mix of housing within the existing housing stock and resist the conversion of family-sized residential units to smaller properties. Similarly, Policy H5 of the Local Plan² states that conversions are not normally permitted in areas comprised predominantly of single-family dwellings and where the building remains suitable for family occupation.
9. The appeal property remains a conventional family dwelling and there is no persuasive evidence that it is unsuitable for continued occupation as such. Whilst the proposal would include a three-bedroom flat, that unit would not provide accommodation equivalent to the existing dwellinghouse. The subdivision of the building would result in materially reduced living accommodation and significantly smaller areas of private outdoor space than are presently available. The existing dwelling provides a level of internal space, flexibility and private amenity space that would not be replicated by the proposed flat. Consequently, the proposal

¹ Gravesham Borough Council, Gravesham Local Plan Core Strategy, adopted September 2014

² Gravesham Borough Council, Local Plan First Review – Saved and Deleted Policies Version, September 2014

would result in the loss of an existing family dwelling notwithstanding the retention of a three-bedroom unit.

10. The absence of a significant concentration of converted properties within the immediate vicinity does not weigh materially in favour of the proposal. The relevant policies are concerned not only with limiting conversions but also with the retention of suitable family housing and the maintenance of a balanced housing stock. The existence of a majority of family dwellings in the surrounding area does not diminish the importance of retaining the appeal property within that stock. To conclude otherwise would undermine the preventative purpose of Policies CS14 and H5, which seek to avoid the gradual erosion of family housing through incremental losses.
11. Furthermore, the subdivision of the property into separate units, together with the associated subdivision of the curtilage and the domestic paraphernalia associated with separate occupations, would erode the established pattern of family occupation that presently characterises the locality.
12. I find that both proposals would fail to maintain the balanced residential character sought by the development plan and would result in harm to the character of the area. The harm arising from Appeal A would be greater given the scale and intensity of occupation proposed.
13. Accordingly, I find conflict with Policies CS14 and CS19 of the Gravesham Core Strategy and Saved Policy H5 of the Gravesham Local Plan insofar as they seek to ensure the conversion of existing family-sized properties is appropriate and does not adversely impact the existing housing stock and the character of the area in which they lie.

Living conditions

14. Occupation by up to 16 residents under Appeal A would generate a level of activity materially different from that associated with the lawful use of the property as a single dwellinghouse. Whilst both uses are residential in nature, the proposed HMO would accommodate a significantly larger number of unrelated adults, each likely to maintain different working patterns, social arrangements and daily routines.
15. As a consequence, the use of communal facilities, arrivals and departures, visitors, deliveries and general movement within and around the property would occur with considerably greater frequency than would typically be expected from occupation by a single household. Activity would be distributed throughout the day and evening by multiple occupants rather than arising principally from the shared routines of a family unit. The proposal would therefore introduce a more intensive pattern of occupation and activity than presently exists.
16. The appeal property shares close relationships with neighbouring residential dwellings. In those circumstances, the cumulative effect of increased comings and goings, conversations, vehicle movements, door closing, use of external areas and general day-to-day activity associated with occupation by up to 16 residents would be likely to result in a noticeable increase in noise and disturbance experienced by nearby occupiers.

17. I acknowledge that occupation of the property would be subject to mandatory HMO licensing requirements and that measures such as management arrangements, behavioural controls and acoustic insulation could assist in moderating certain impacts. However, such measures would not alter the fundamental nature or intensity of the proposed use. The principal source of concern arises not from antisocial behaviour or inadequate sound insulation between rooms, but from the significantly greater level of activity associated with occupation by up to 16 unrelated adults.
18. Furthermore, no detailed Noise and Behavioural Management Plan has been provided and there is insufficient evidence before me to demonstrate that management measures would effectively mitigate the effects of the proposed level of occupation on neighbouring residents. Similarly, compliance with Part E of the Building Regulations principally relates to sound transmission within the building and would not address noise arising from external comings and goings, visitors, deliveries or activity associated with the use of the property.
19. Appeal B would not result in activity levels comparable to those associated with Appeal A. Nevertheless, the subdivision of a single-family dwelling into three separate flats would increase the number of households occupying the site and would accommodate a materially greater number of residents than the existing dwellinghouse. Additional comings and goings, deliveries, refuse movements and general domestic activity would arise from the occupation of three separate units. It would represent an over-intensive form of residential use for a property of this size and configuration.
20. Whilst these effects would be less pronounced than those arising from Appeal A, the cumulative effect would nevertheless result in a noticeable increase in activity. Indeed, the scale of the conversion and associated activity and disturbance would be out of keeping with the established pattern of single-family occupation within the immediate area. Given the close relationship between the appeal property and neighbouring homes, I find that this would diminish the living conditions of neighbouring occupiers to an unacceptable degree.
21. Taking these matters together, I find that both proposals would result in an unacceptable increase in noise and disturbance to neighbouring occupiers and would therefore harm their living conditions. The proposals would conflict with Policy CS19 of the Core Strategy insofar as it seeks to ensure that proposals safeguard the amenity of occupants of neighbouring properties.

Effect on Habitats sites

22. The appeal site is located within the recognised 6km zone of influence for the European designated sites scoped into the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring Strategy (SAMMS). I have a duty under the Conservation of Habitats and Species Regulations 2017 to assess any impact the proposed development would have upon the protected sites.
23. These protected sites are primarily designated for endangered or vulnerable populations of waterbirds, which often overwinter or breed at these sites, as well as the wider coastal ecosystems and functions that support these and other populations (for example, plants and invertebrates).

24. The Thames Estuary and Marshes SPA and Ramsar site is predominantly characterised by extensive intertidal mudflats, saltmarsh and complex channel systems. It is an internationally important landscape, between Gravesend and Whitstable, for nature conservation and wintering wildfowl.
25. New residential development at the appeal site has the potential to cause disturbance to the Thames Estuary and Marshes SPA and Ramsar site through increased recreational activities and pressure. As a result, it has the potential to individually contribute to a likely significant effect on the SPA and Ramsar site when taken in-combination with other plans and projects. Therefore, the development must provide appropriate mitigation.
26. The agreed strategic mitigation measure is a financial contribution towards the Strategic Access Management and Monitoring Strategy (SAMMS). Natural England is of the view that if appropriate measures, including financial contributions to them, are implemented, they will be effective and reliable in preventing the harmful effects on the European Site for the duration of the development.
27. In Appeal A, no financial contribution to fund the SAMMS was submitted by the appellant and no completed Unilateral Undertaking securing that contribution has been submitted with the appeal. In the absence of a legally binding mechanism securing the necessary mitigation, there is no certainty that the effects arising from the development would be appropriately addressed. Consequently, for Appeal A, I cannot conclude that the proposal would not adversely affect the integrity of the Thames Estuary and Marshes SPA and Ramsar site.
28. In Appeal B, the appellant has made a financial contribution to fund the SAMMS. The Council have confirmed receipt of the payment. Therefore, I am satisfied that the mitigation measures have been secured and would be used for their intended purpose. The contributions would be necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development, in accordance with Regulation 122 of the Community Infrastructure Levy Regulations. As such, the contributions toward the mitigation schemes would count as mitigation toward maintaining the integrity of the sites. It follows that I am satisfied that with the mitigation measures secured and in place, the proposal would avoid an adverse effect on the integrity of the Thames Estuary and Marshes SPA and Ramsar site.
29. Given this, I conclude that, with regards to Appeal A, the proposal would harm the Thames Estuary and Marshes SPA and Ramsar site. With regards to Appeal B, the proposal would not harm the Thames Estuary and Marshes SPA and RAMSAR site. Appeal A would therefore conflict, whereas Appeal B would comply with the Habitat Regulations and with Policy CS12 of the Core Strategy insofar as it seeks to ensure that development proposals protect internationally designated Special Protection Areas and Ramsar sites.

Other Matters

30. The Council accepts that it cannot currently demonstrate a five-year supply of deliverable housing sites. The most recent evidence indicates that the supply stood at 3 years in February 2025.

31. The two schemes would contribute towards the supply of housing within the Borough and would provide additional accommodation in a sustainable urban location with convenient access to services, facilities and public transport. Appeal A would provide additional shared accommodation whilst Appeal B would result in a net increase in the number of residential units on the site. Both proposals would therefore make a positive contribution towards meeting housing needs and increasing housing choice.
32. National policy supports the efficient use of land and seeks to significantly boost the supply of homes. The proposals would make use of an existing residential site within the built-up area and would generate modest economic benefits through construction activity and future expenditure by occupiers. These considerations weigh in favour of the proposals. However, the scale of the proposals would be modest and therefore the weight attributed to these considerations is moderate.
33. An absence of harm with regard to other matters such as car and cycle parking and internal accommodation standards is a neutral factor which neither weighs for or against the proposals.
34. I have also had regard to the representations made by interested parties, including those supporting the proposals on the basis of housing provision and design quality. These matters do not alter my findings on the main issues.

Planning Balance

35. In respect of Appeal A, paragraph 11(d)(i) of the Framework states that the presumption in favour of sustainable development does not apply where the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development. Footnote 7 identifies habitats sites as such areas. For the reasons set out above, I have found that Appeal A would adversely affect the integrity of the Thames Estuary and Marshes SPA and Ramsar site. Consequently, the tilted balance in paragraph 11(d) is not engaged in respect of Appeal A.
36. In respect of Appeal B, the necessary habitats mitigation has been secured and the presumption in favour of sustainable development therefore applies. Accordingly, planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole.
37. I have found that both proposals would harm the character of the area through the loss of an existing single-family dwelling and the erosion of the balanced housing stock. I have also found that both proposals would result in unacceptable harm to the living conditions of neighbouring occupiers through increased noise and disturbance. In Appeal A, these harms are compounded by the absence of secured mitigation for the Thames Estuary and Marshes SPA and Ramsar site.
38. Against those harms, I have attached moderate weight to the contribution the proposals would make towards housing supply and housing choice in a borough experiencing a shortfall in deliverable housing sites. I have also given moderate weight to the efficient use of a sustainably located residential site. The modest economic benefits attract limited weight.

39. The harms identified in relation to both proposals attract significant weight. They conflict with the Framework's objectives of securing plan-led development, recognising and maintaining the character of different areas, and securing a high standard of amenity for existing and future users.
40. Accordingly, I find that the adverse impacts of Appeal B would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole. In relation to Appeal A, the benefits are clearly outweighed by the identified harms.

Conclusion

41. The proposals conflict with the development plan and the material considerations do not indicate that the appeals should be decided other than in accordance with it.
42. For the reasons given above, Appeal A and Appeal B should be dismissed.

Thomas Courtney

INSPECTOR

Appendix 1

List of those who have appealed

Reference	Case Reference	Appellant
Appeal A	6003145	Mr Singh
Appeal B	6005180	Mr Singh