

Delegated Report

Planning Application

Planning Application No: 20250284

Location: 54 Pelham Road Gravesend Kent DA11 0HZ

Description: Demolition of existing rear extensions, and erection of a double storey rear extension with 6 roof lights and installation of a dormer window to rear roof elevation. Internal alterations to split the existing dwelling into two semi-detached dwellings.

Applicant: Mr Jatinder And Arvinder Bhachu

Site Visit Date: 10 April 2025

Submitted Documents/Plans

- Application form;
- Drawing no. D-01 Rev. A – Site Location Plan & Block Plan As Existing;
- Drawing no. D-02 – Rev. A – Floor Plans As Existing;
- Drawing no. D-03 – Rev. B – Elevations As Existing;
- Drawing no. D-04 Rev. C – Block Plan As Proposed;
- Drawing no. D-05 Rev. C – Floor Plans As Proposed;
- Drawing no. D-06 Rev. B – Elevations As Proposed;
- Design & Access & Heritage Statement; and
- Custom and Self-build Delivery Statement Template.

Relevant Planning History

None.

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
- CS18 – Climate Change
- CS19 – Development & Design Principles
- CS20 – Heritage and the Historic Environment

Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards
- H5 – Increasing the Housing Stock by the Conversion of Existing Buildings

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 8 - Promoting healthy and safe communities
- Section 9 Promoting sustainable transport
- Section 12 – Achieving Well-Designed Places
- Section 15 – Conserving and enhancing the natural environment
- Section 16 – 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)
- Pelham Road/The Avenue Conservation Character Area Appraisal (2009)

Consultations, Publicity and Representations

Consultees

No response from:

- Ward Councillor
- Conservation Officer

Neighbouring properties

27 surrounding properties were consulted plus site and press notices – overall consultation expiry date is 02.05.2025 – no responses received.

Officer's Analysis

The application site consists of a two storey detached dwelling situated on the south eastern side of Pelham Road:



The site is located in the Pelham Road/The Avenue Conservation Area, an Thames Estuary And Marshes Ramsar Buffer Zone, an Area of Archaeological Potential and the Campbell Road Pit & Nine Elms Historic Landfill Site Buffer Zone.

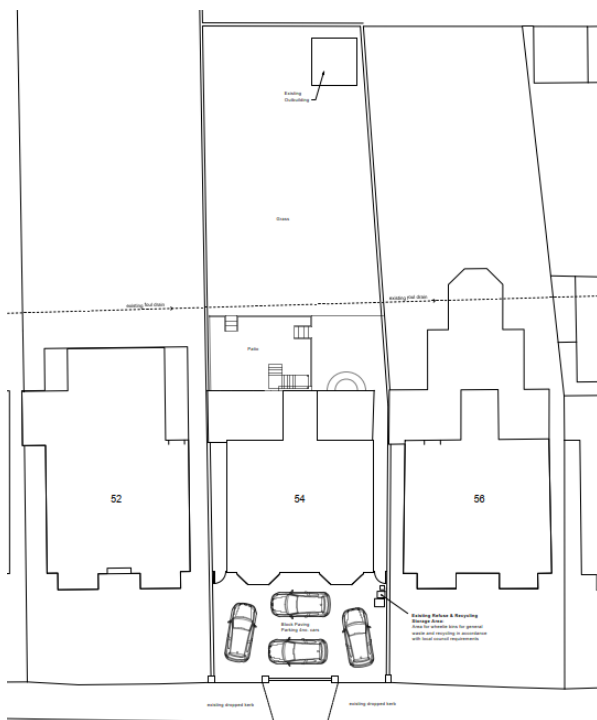
The proposal is for demolition of existing rear extensions, and erection of a double storey rear extension with 6 roof lights and installation of a dormer window to rear roof elevation. Internal alterations to split the existing dwelling into two semi-detached dwellings.

The principle considerations in the assessment of the application are as follows:

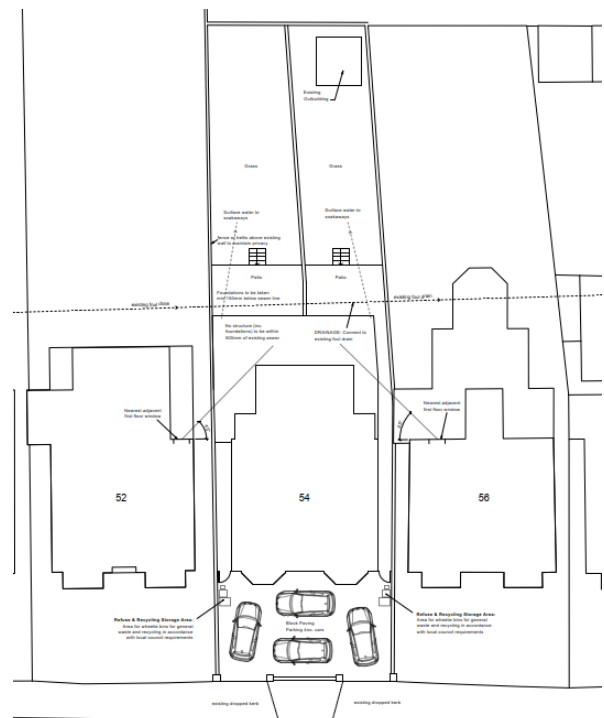
- Housing Need
- Design, Character and Appearance including impact on Conservation Area
- Amenity of Future Occupiers
- Neighbouring Amenity
- Parking and Highways

For ease of reference the existing and proposed block plans are as follows:

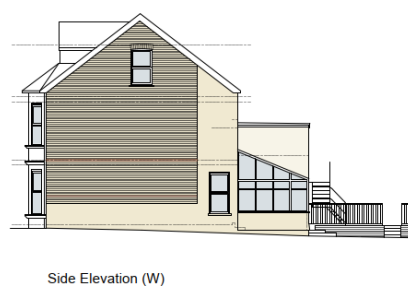
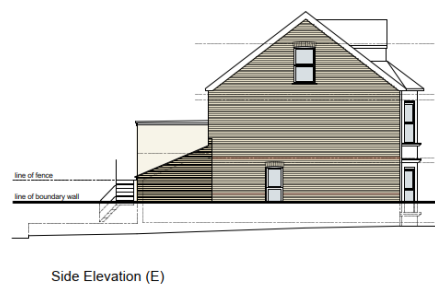
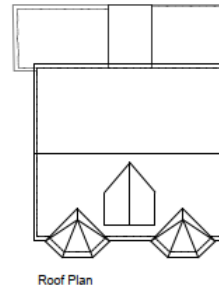
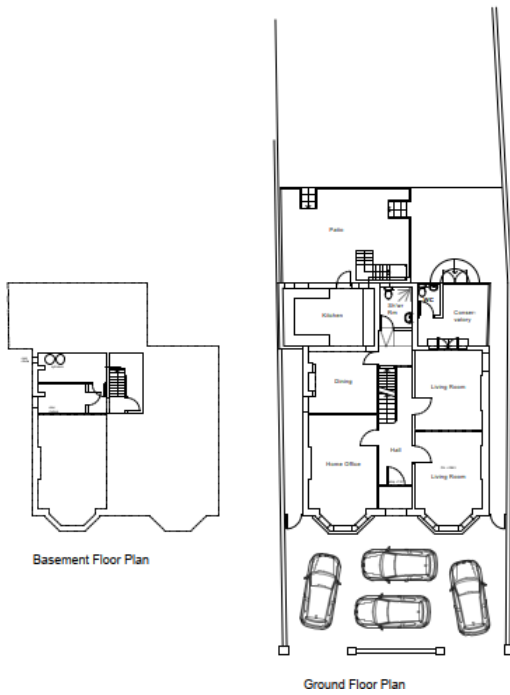
Existing



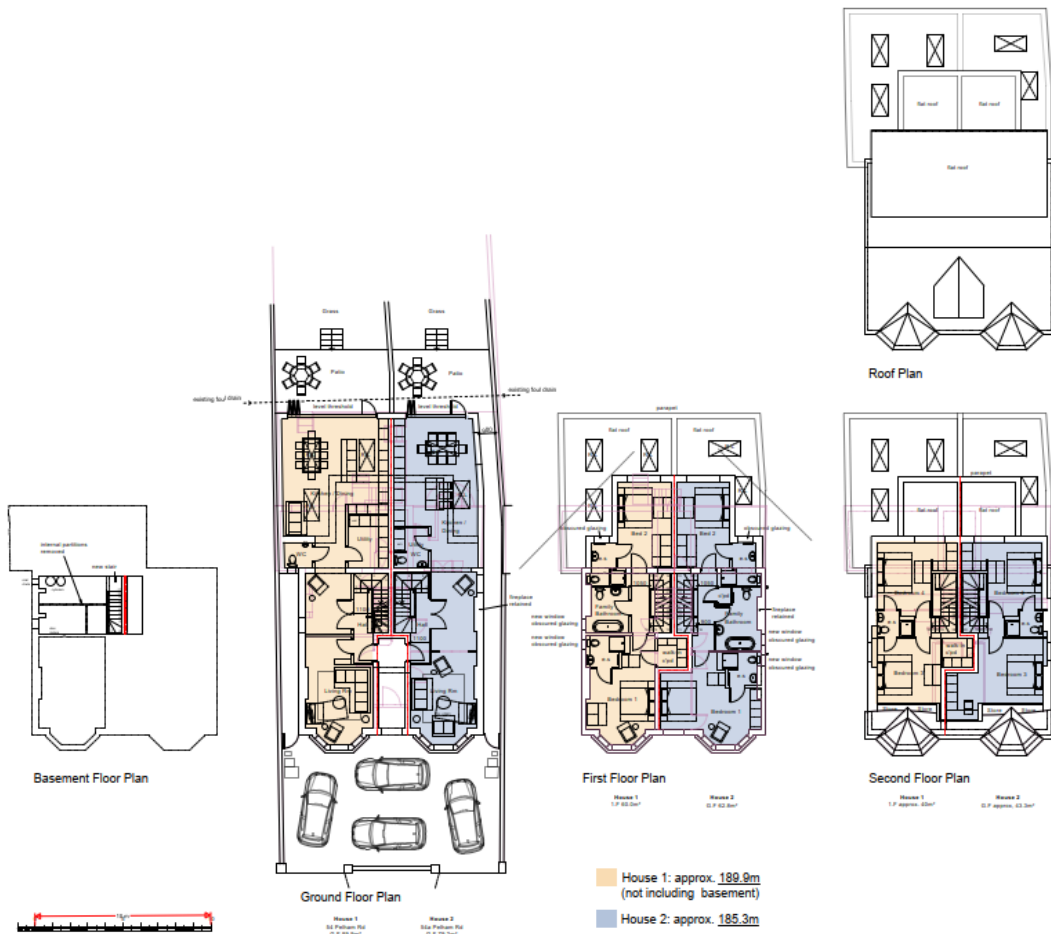
Proposed



Existing



Proposed



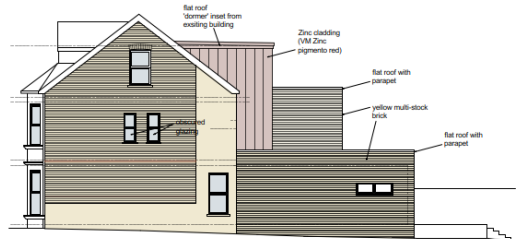
Rear Elevation (S)



Side Elevation (E)



Front Elevation (N)



Side Elevation (W)

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 National Planning Policy Framework (NPPF) (2024) 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 policymaking 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 February 2025, it demonstrates that based on data up for the period 2024-2029, the Council can only demonstrate a land supply of 3 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:

- i. 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
- ii. 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 NPPF paragraph 194)
- Sites of Special Scientific Interest
- Green Belt
- Local Green Space
- A National Landscape
- Irreplaceable habitats
- Designated heritage assets (& other heritage assets of archaeological interest, see NPPF footnote 75)
- 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) 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 of '1' residential units would offer a 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 contribute positively to the overall quality of the area, be visually attractive, sympathetic to local character and create acceptable amenity for future occupiers.

Principle of Residential Development

The broad principle of the proposed residential development of splitting this one dwelling into two finds support in the NPPF (2024). Paragraph 61 is particularly relevant:

To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The overall aim should be to meet an area's identified housing need, including with an appropriate mix of housing types for the local community.

In addition, paragraph 73 (d) requires that in order to promote the development of a good mix of sites local planning authorities should, *inter alia*, "support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes".

The application site is defined on the Policies Map of the LPCS (2014) as lying within the urban area. Policy CS02 (LPCS) "prioritises development in the urban area as a sustainable location for development".

In light of these considerations, there is no objection to the broad principle of the conversion of this property to two residential dwellings subject to the proposal being appropriate in terms of all other planning issues.

Design, Character and Appearance including impact on Conservation Area

The application building consists of a detached dwelling with gable ends with two storey out-rigger and single storey additions either side of this. The proposal is to remove the out-rigger and both single storey rear additions and construct a part two storey, part single storey rear extension and there is also a further two storey addition that would extend out from the rear roof slope and first floor level.

The Council's Householder Design Guidance (2021) states the following guidance in respect of two storey and first floor rear extensions.

Two Storey and First Floor Rear Extensions

10.3 Two-storey rear extensions are often desirable as they create more space within a home, however they are not appropriate in all circumstances e.g. mid-terraced properties, and need to be carefully designed to avoid negatively impacting neighbouring properties. Proposals for two-storey rear extensions should consider the surrounding context, and ensure that:

- Depth: The extension does not dominate the original property. This can cause the site to appear overdeveloped, and cause long dark internal spaces to be formed. Extensions to extensions will generally not be supported.
- Height: two storey extensions can have very significant impact on neighbouring amenity, so should generally not be built up to site boundaries with neighbouring gardens / properties.
- Width: Extensions should not be of greater width than the original building.
- Design: Taller extensions are of greater visibility, and should incorporate roof designs to reflect, tie in with and not overwhelm the main property's roof. Patterns and proportions of windows should reflect the host building and local character.
- Materials: Using matching external materials and window / door frames is especially relevant for two storey extensions.
- Overlooking: Extensions should avoid inserting any flank windows, or involve raised platforms where they would allow new, or increased overlooking views into neighbouring gardens / properties.
- Light / Outlook: The 45 / 25 degree rule will be used to assess the impact of the extension on neighbouring light / outlook.
- Garden Space: Adequate garden area for the enlarged house should be retained following development.

In response to this guidance the proposed extensions are considered to dominate the original building. The existing two storey out-rigger and two single storey rear additions are subservient to the host building. In contrast, the proposal however would effectively be extending out from the rear at ground, first and second floor levels. The ground floor element would extend out to the side of the north-east flank, but the first and second floor level elements would be set within the flank walls with the first floor element slightly stepped in and then the second floor element stepped in again. The ground floor element is considered acceptable as although it is not ideal that it would extend out from the west flank wall, this would be set far back from the front elevation and at single storey level a flat roof at the rear is considered acceptable.

The roof of the second floor level extension would be set down from the ridgeline of the host building leaving some of the existing rear roof slope still visible and the width of the extensions at first and second floor level would not be wider than the width of the dwelling.

The roofs of both the first floor and second floor rear additions would be flat which would not be in keeping with the roof of the host building which is pitched. The first and second floor elements of the extension are completely out of keeping with the character and appearance of the dwelling. The impact of the extension at first and second floor levels would be particularly prominent given the zinc cladding that it is proposed to be used for it which is not in keeping with the roof tiles or rendered walls on the building. There would be none of the rear wall of the dwelling visible at ground or first floor levels and the majority of the windows proposed are not in keeping with the existing style of fenestration.

When one looks at the rear of other properties in the vicinity it can be seen that there are a number which have rear additions:



The adjacent property to the north-east no. 52 Pelham Road has a large two story rear extension which was permitted under application ref. 20150149. This extension has a pitched roof which is in keeping with the roof form of the host building, the two storey flat roof element was an already existing element. The large two storey flat roofed addition at the rear of no. 46 Pelham Road was permitted in 1962. All other additions are the original two storey out-riggers with single storey additions around them. There are no other flat roof additions at first floor level or above which have been allowed in the current development plan period.

The proposed extensions would be harmful to the character and appearance of the host building. They would impact on the surrounding area at the rear but given their siting, they would not cause an impact on the streetscene from Pelham Road and would not have an impact on the character or appearance of the Pelham Road/The Avenue Conservation Area which would be preserved.

The changes to the front would be minimal as the existing front door would remain as it is and internally there would be the hall off of which would be a door to each dwelling.

However, the proposed rear extensions by virtue of the design, scale and materials would be overly dominant additions which would not respect the character and appearance of the host dwelling or the surrounding area. In respect of design, character and appearance the proposal would be unacceptable and contrary to Policy CS19 (LPCS) and section 12 of the NPPF (2024).

Amenity of Occupiers

Paragraph 135 (f) of the NPPF (2024) requires planning decisions to, *inter alia*, provide “a high standard of amenity for existing and future users”. In addition Policy CS19 (LPCS) requires new development to 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 proposal includes conversion of the dwelling into two separate dwellinghouses.

The dwelling marked as orange on the plan (4 bed, 8 person 3 storey dwelling) would be 189.8 sq. m and the dwelling marked as purple on the plan (4 bed, 8 person, 3 storey dwelling) would be 189.3 sq. m. The minimum standard in the Technical Housing Standards (2015) for this type of accommodation is 121 sq. m therefore both dwellings exceed the minimum standard in the Technical Housing Standards (2015) for this size of accommodation.

For the dwelling marked in orange on the plan the garden area would be 125.7 sq. m and the rear garden depth would be 41m. For the dwelling marked in purple on the plan the garden area would be 114.4 sq. m and the rear garden depth would be 41.3 m. Both gardens would therefore exceed the minimum standards for a dwelling with four or more bedrooms which is 100 sq. m for the garden area and 10m for the rear garden depth.

In respect of bedrooms, each of the four double bedrooms in each of the dwellings would exceed the minimum standard for a double bedroom as set out in the Technical Housing Standards (2015) which is 11.5 sq. m.

As such in respect of occupier amenity the proposal is considered acceptable in respect of Policy CS19 (LPCS).

Neighbouring Amenity

Although there is an increase in the depth of the dwelling at the rear with a part two storey, part single storey rear extension and a further two storey rear extension that would extend out from the rear roof slope and first floor level the extensions would not impact on the amenity of any neighbouring properties.

The single storey element of the rear extension would extend beyond the 45 degree line from the nearest windows in the rear elevations of the neighbouring properties either side on plan, but not elevation. This therefore denotes that there would not be any actual overshadowing to those windows from the single storey element of the extensions. The first and second floor levels of the rear extensions are both fully within the 45 degree line on both plan and elevation therefore again denoting no overshadowing. There are no windows proposed in either flank elevation of the proposed rear elevations therefore no overlooking to either neighbouring property to the side.

No neighbour representations have been received.

As such in respect of occupier amenity the proposal is considered acceptable in respect of Policy CS19 (LPCS).

Parking and Highways

The area in front of both of the dwelling would be shared between the two new dwellings; the plan shows space for the parking of four vehicles therefore two for each dwelling. This is considered adequate parking provision in this location for four bedroom properties in this location which is also fairly close to the town centre and on a bus route. The hardstanding in the front area and the two vehicular accesses with crossovers are already present. In respect of parking and highways, the proposal is therefore considered compliant with saved Policy P3 and Policy CS11 (LPCS).

Ecology and Biodiversity

Thames Estuary and Marshes Special Protection Area (SPA) and SAMMS

The application site falls within 6km of the Thames Estuary and Marshes Special Protection Area (SPA) classified in accordance with the European Birds Directive which requires Member States to classify sites that are important for bird species listed on Annex 1 of the European Directive, which are rare and/or vulnerable in a European context, and also sites that form a critically important network for birds on migration. It is also listed as a Wetland of International Importance under the Ramsar Convention (Ramsar Site). Studies have shown marked declines in key bird species, particularly in areas that are busiest with recreational activity. Research conducted in 2011 found that additional dwellings were likely to result in additional recreational activity, causing disturbance to protected bird species that over-winter or breed on the SPA and Ramsar Site. The studies found that 75% of recreational visitors to the North Kent coast originate from within 6 km of the SPA boundary and Ramsar Site. The impacts of recreational disturbance can be such that they affect the status and distribution of key bird species and therefore act against the stated conservation objectives of the European Sites.

The Borough Council has mitigated out the impacts of this on each and every planning application for a new residential development of one or more units within the 6km zone since September 2015 by accepting a Strategic Access Mitigation and Monitoring Strategy (SAMMS) (tariff) payment (currently £314.05 per dwelling). This approach is approved by Natural England for all new residential developments.

For every planning application for a new dwelling (including new flats) which does not require any other contributions to be secured through a s106 legal agreement or unilateral undertaking the tariff has been secured through a contribution agreement.

The tariff has been accepted effectively in lieu of an Appropriate Assessment (AA) under the Habitat Regulations and thus avoiding the need to progress into a full AA.

However a more recent Court of Justice European Union (CJEU) ruling means that this approach is now no longer valid and although the mitigation measures (in the form of a tariff payment) will still need to be made the first stage will be a screening assessment as to whether the development either alone or in combination, is likely to have significant effects on a designated site without mitigation. The CJEU sees a distinction between “the plan or project” itself and “measures intended to avoid or reduce the harmful effects of a plan or project on a European site”. This means that mitigation measures, which are intended to avoid or reduce effects, should be assessed within the framework of an AA and cannot be taken into account at the screening stage.

This proposal would result in the net addition of 1 unit and the applicant has not paid the required tariff (£337.49). The Local Planning Authority cannot therefore be satisfied that the proposal has put in place adequate measures to mitigate potential significant adverse effects on the Thames Estuary and Marshes SPA/Ramsar site and as such the proposal is contrary to Policy CS12 (LPCS) and paragraphs 193 and 194 of the NPPF (2024).

BNG

Under the Environment Act 2021, all minor planning applications in England submitted on or after the 2 April 2024 will have to deliver at least a 10% biodiversity net gain (unless exempt). This application was submitted after the commencement of mandatory BNG.

On the submitted application form, it is stated that the proposal would be exempt from mandatory biodiversity net gain as the development would consist exclusively of dwellings that are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

The additional dwelling in this case would come from converting one dwelling into two, there would not actually be the construction of any new dwelling on the ground. Should permission have been forthcoming the wording of self build could have been included in an amended description to ensure that the development would meet the definition of a self build.

In any case looking at the existing site from above it can be seen that the area to the rear where the extensions are proposed is already hardstanding and the front garden is also all hardstanding.

However, in respect of there being inadequate measures in place to mitigate potential significant adverse effects on the Thames Estuary and Marshes SPA/Ramsar site the proposal in respect of ecology and biodiversity is considered contrary to Policy CS12 (LPCS) and paragraphs 193 and 194 of the NPPF (2024).

Any Other Material Planning Considerations

Archaeology

The site is located in an Area of Archaeological Potential and the proposal would involve groundworks. KCC Heritage have not provided comments on this application but comments have been looked for other proposed groundwork development nearby.

They advised that the site lies within an area of multi-period background archaeological potential but there are no significant archaeological records in the immediate surroundings.

It is considered that if permission was forthcoming for the for the proposed development then archaeological mitigation could be addressed by the form of a watching brief during ground works which could be the subject of a planning condition.

In respect of archaeology the proposal is therefore considered compliant with saved Policy TC7 (LPCS).

Land Contamination

The site is located in the Campbell Road Pit & Nine Elms Historic Landfill Site Buffer Zone. It is considered that if permission was forthcoming for the for the proposed development then land contamination mitigation could be addressed by the form of a contaminated land watching brief during construction which could be the subject of a planning condition.

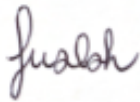
Conclusion

The proposed development is acceptable in relation to principle of development, occupier and neighbouring amenity, parking and highways, archaeology and land contamination. However, it is not acceptable in respect of design, character and appearance and ecology and biodiversity. As such the proposal is contrary to local and national planning policy.

Recommendation

Refusal

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

Case Officer:	Ms Rebecca Harrison	Team Leader:	Mrs Faye Walsh
Signed:	<i>Rebecca Harrison</i>	Signed:	
Dated:	19th May 2025	Dated:	20 May 2025