



Delegated Report

Householder Planning Application

Planning Application No: 20260370

Location: 13 St Francis Avenue Gravesend Kent DA12 4SJ

Description: Part retrospective erection of an outbuilding for use as a Study and Gym.

Applicant: Mr J Patel

Site Visit Date: 5th May 2026

Preliminary Matters

The application form as submitted incorrectly stated that no works had commenced. The officer site visit found this to be inaccurate with works having commenced. The agent was contacted and a revised application description was agreed to include retrospective works.

Original plans were submitted to include a decked area to the front of the outbuilding. Upon assessment and officer site visit this was considered to be contrary to current policies and guidance. The agent was contacted and subsequent plans were submitted with the removal of the decked area.

Submitted Documents/Plans

Application From Dated 07/04/2026;
Drawing Number S01 Rev P1 (REVISED Site Location Plan and Block Plan – Existing);
Drawing Number S02 Rev P1 (REVISED Block Plan – Proposed); and
Drawing Number S03 Rev P3 (Floor Plan and Elevations – Proposed).

~~Drawing Number S03 Rev P1 (SUPERSEDED Floor Plan and Elevations – Proposed).~~

Relevant Planning History

Reference	Description	Decision	Decision Date
20220315	Application for Lawful Development Certificate in respect of the proposed loft dormer and roof lights.	Certificate Granted	01.06.2022
20220312	Demolition of existing single storey rear extension and erection of a larger single storey rear extension. Conversion of the existing garage to a habitable room with front extension of the porch incorporating new living area	Permitted	27.05.2022
19970144	Application for Lawful Development Certificate in respect of the proposed erection of a single storey rear extension to form a kitchen and storeroom.	Certificate Granted	03.04.1997
19960341	Erection of a part two storey and part single storey rear extension to form enlarged dining room, kitchen and storeroom at ground floor level with a bedroom and an enlarged bedroom at first floor level and repositioning of	Permitted	26.07.1996

	existing garden shed.		
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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)

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 12 – 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)
- Gravesham Householder Extensions/Alterations Design Guide (2021)
- Design for Gravesham – Design Code (2024)

Emerging Local Plan as a Material Consideration

Paragraph 48 of the Framework makes it clear that planning applications can only be determined in accordance with the development plan, unless material considerations indicate otherwise. An emerging Local Plan, does not form part of the Development. The Framework, at Paragraph 49 allows local planning authorities to give weight to relevant policies in emerging Local Plans, according 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 consistency of the relevant policies in the emerging plan to the Framework, the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given to those policies.

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 (Paragraph 49) of the Framework.

The Council's emerging Local Plan, is in the process of being consulted upon (it has reached Regulation 19 stage), the Council is not yet aware of whether third parties will support or object to specific policies within the Plan, or whether they will consider the policies with the emerging Local Plan to be broadly sound and consistent with the NPPF (2024). 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

Consultees

Ward Councillors – no comments received

Neighbouring properties

5 surrounding properties were consulted and a site notice was displayed on 20.04.2026. One response was received. Concerns were raised with regards to the following:

- Bulk and massing of the structure;
- Loss of light / overshadowing to neighbouring properties;
- Height and distance from neighbouring boundaries
- Out of character with surrounding area;

This will be assessed within the following report.

Concerns were also raised with potential inaccuracies to the application for regarding trees on adjoining land. There are no protected trees within the site boundary or wider area and as such this will not impact the proposal.

Concerns were also raised as the application form inaccurately states development has not been started. This was noted on officer site visit and a description change was agreed by the agent to include retrospective permission.

Concerns were also raised with Biodiversity net gain. The proposed application for a single storey outbuilding is a small development and as such biodiversity net gain is not relevant.

The consultation period ended on 15/05/2026.

Officer's Analysis

Design, Character and Appearance

13 St Francis Avenue is a semi-detached dwellinghouse located on the north side of the highway. To the frontage the property is part soft landscape and part block paved for off road parking, with garage.

The application proposes the part retrospective erection of an outbuilding to the base of the rear garden to be used as a gym and games / study room.

The outbuilding has a flat roof. The dimensions of the outbuilding are listed below:

Depth (max): 6m
Width (max): 8.7m
Height 3.3m

The outbuilding will be constructed with a rendered finish with a double-glazed window and 2 no doors to the front elevation. There will be a set of steps leading from the games area to the rear garden.

Neighbours raised concerns with the outbuilding being out of keeping within the surrounding area. The outbuilding is located to the base of the rear garden and cannot be seen from a public vantage point. As such there are no concerns with the impact the outbuilding would have on the surrounding street scene.

Neighbours also raised concerns with the bulk and massing of the outbuilding, however overall, it is not considered that the building is overly large in scale, is set to the base of the rear garden away from neighbouring dwellings and is not visible from a public vantage point. As such there are no concerns with the bulk and massing of the outbuilding.

Overall, the outbuilding is not excessive in size or bulk, is constructed using appropriate materials and is not visible from any public vantage point. Therefore, the outbuilding is considered acceptable in terms of design and accords with Policy_CS19 (Development and Design Principles) of Gravesham's Local Plan Core Strategy (LPCS) (2014) and Section 12 (Achieving well-designed places) of the National Planning Policy Framework (NPPF) (2024).

Amenity of Future Occupiers

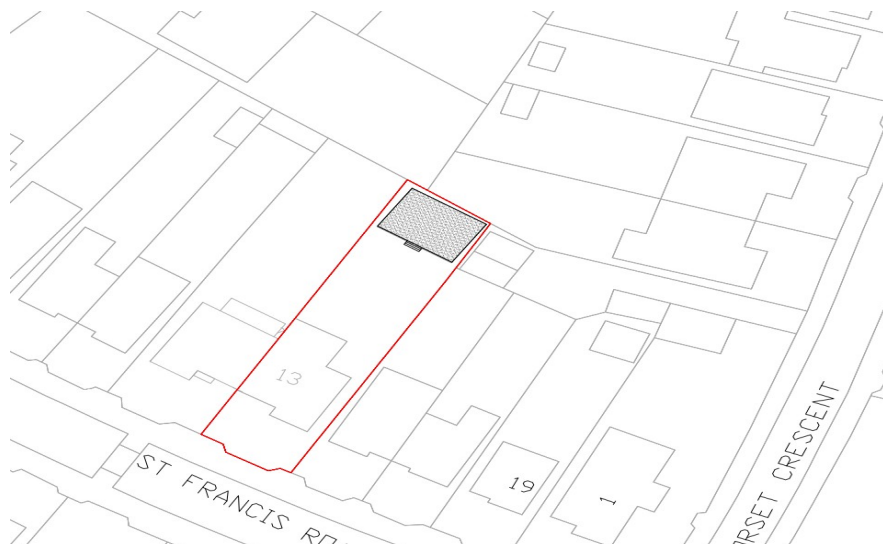
Post development, the application site retains an area of 166.45sqm and a minimum depth of 14.5m, in accordance with current guidelines.

As such the proposal is not considered to detrimentally effect the amenity of future occupiers and is in accordance with Policy CS19 (Development and Design Principles) of the Gravesham Local Plan Core Strategy (2014) and Section 12 (Achieving well designed places) of the National Planning Policy Framework 2024.

Neighbouring Amenity

Neighbouring concerns were raised with the proximity to neighbouring boundaries and the potential detrimental impact on neighbouring light and over shadowing.

The outbuilding is located with the boundaries of the application site and at the base of the rear garden and to the base of the surrounding neighbouring rear gardens. As such would not detrimentally impact neighbouring light or overshadow neighbouring habitable windows or private amenity areas. A private amenity area is considered to be the first 5m from the rear elevation of a neighbouring dwelling:



Furthermore, the windows of the outbuilding are considered non-habitable, and the application does not propose any windows to flank elevations. Whilst there are steps leading from the door to the outbuilding to the garden, these are minimal in size and would not be big enough to accommodate garden furniture or act as a raised decked area. Therefore, the outbuilding is not considered to be detrimental to neighbouring privacy.

Overall, the outbuilding is not considered to have a detrimental impact on neighbouring properties in terms of privacy, outlook, overshadowing or loss of light.

Therefore, the proposal is in accordance with Policy CS19 (Development and Design Principles) of Gravesham's Local Plan Core Strategy (LPCS) (2014) and Section 12 (Achieving well-designed places) of the National Planning Policy Framework (NPPF) (2024).

Conclusion

The application is in accordance with local and national planning policy. It is not excessive in size or bulk, will be constructed using appropriate materials and will not impact on the amenity of future occupiers or neighbouring properties. As such it is recommended that the proposal is permitted subject to conditions.

Recommendation

(For detailed **conditions** and informatives, see draft Decision)

Case Officer:	Mrs Nina Goodbody	Team Leader:	Richard Hart
Signed:	<i>N Goodbody</i>	Signed:	<i>R Hart</i>
Dated:	1 st June 2026	Dated:	3rd June 2026