

# Delegated Report

## Full Planning Application

**Planning Application No:** 20250717

**Location:** Rear Of 28/30 Sun Lane Gravesend Kent DA12 5HG

**Description:** Demolition of existing outbuildings are the rear of 28/30 Sun Lane and erection of a detached chalet bungalow

**Applicant:** Mr S Sahota

**Site Visit Date:** 13 August 2025

### Submitted Documents/Plans

Application form  
Planning Statement  
Biodiversity Gain Statement  
Drawing no. 01 (Site Location Plan)  
Drawing no. 02 (Existing Block Plan)  
Drawing no. 03 (Existing Floor Plans)  
Drawing no. 04 (Existing Elevations)  
Drawing no. 05 (Proposed Block Plan)  
Drawing no. 06 (Proposed Ground Floor Plan and First Floor Plan)  
Drawing no. 07 (Proposed Elevations)

### Relevant Planning History

| Reference              | Description                                                                                                                                                                                                 | Decision  | Decision Date |
|------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|---------------|
| 20201259               | Demolition of outbuildings and garage and erection of a three bedroom detached dwelling.                                                                                                                    | Refused   | 02.02.2021    |
|                        |                                                                                                                                                                                                             |           |               |
| <b>No. 28 Sun Lane</b> |                                                                                                                                                                                                             |           |               |
| 20130771               | Erection of first floor rear extension to form an enlarged bedroom.                                                                                                                                         | Permitted | 23.10.2013    |
| 20060678               | Retention of the front entrance porch and canopy supported by two columns, retention of the block paved parking area at the front and retention of the front and side boundary walls.                       | Refused   | 03.10.2006    |
| 20050498               | Erection of part two storey and part single storey side and rear extension to form a lounge and kitchen/dining room at ground floor level with three bedrooms and ensuite bathroom/wc at first floor level. | Permitted | 11.08.2005    |

|                        |                                                                                                                                                                                                                                            |           |            |
|------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|------------|
|                        |                                                                                                                                                                                                                                            |           |            |
| <b>No. 30 Sun Lane</b> |                                                                                                                                                                                                                                            |           |            |
| 20190628               | Erection of a single storey rear extension.                                                                                                                                                                                                | Permitted | 14.08.2019 |
| 20131170               | Application for variation of condition 1 attached to planning permission reference number 20120245 for erection of a tandem/double garage at the rear to allow the use of the building as incidental to the enjoyment of the main dwelling | Permitted | 17.02.2014 |
| 20130772               | Erection of two storey rear extension to form family room at ground floor level with an enlarged bedroom at first floor level.                                                                                                             | Permitted | 23.10.2013 |
| 20120245               | Erection of tandem/double garage at the rear with vehicular access on to Ferndale Road.                                                                                                                                                    | Permitted | 08.05.2012 |
| 20110540               | Erection of a double garage and car port with vehicular access on to Ferndale Road and installation of two metre high electric gate across entrance in Ferndale Road.                                                                      | Permitted | 03.08.2011 |

## Development Plan

### Gravesham Local Plan Core Strategy (2014)

- CS01 – Sustainable Development
- CS02 – Scale and Distribution of Development
- CS11 – Transport
- CS12 – Green Infrastructure
- CS14 – Housing Type and Size
- CS15 – Housing Density
- CS18 – Climate Change
- CS19 – Design and Development Principles

### Gravesham Local Plan: First Review (1994)

- T1 – Impact of Development on Highway Network
- T5 – New Accesses onto Highway Network
- P3 – Vehicle Parking Standards

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 4 – Decision-making

- Section 5 – Delivering a sufficient supply of homes
- Section 9 – Promoting sustainable transport
- Section 11 – Making effective use of land
- Section 12 – Achieving well-designed places
- Section 15 – 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)

### **Consultations, Publicity and Representations**

#### External Consultees

##### *Environment Agency*

We note the site is located in a Source Protection Zone 1 and a principal aquifer; however, there is no information indicating a potential risk of contamination from past or future uses and the proposal is for a minor development. Therefore, the application falls outside our remit as a statutory planning consultee, and we have no bespoke comments.

Notwithstanding, I provide below some standard guidance as I note the applicant has not provided any information regarding foul drainage.

#### **Connection to mains foul drainage**

Government guidance contained within the national Planning Practice Guidance (Water supply, wastewater and water quality – considerations for planning applications, paragraph 020) sets out a hierarchy of drainage options that must be considered and discounted in the following order:

- Connection to the public sewer
- Package sewage treatment plant (adopted in due course by the sewerage company or owned and operated under a new appointment or variation)
- Septic Tank

Foul drainage should be connected to the main sewer. Where this is not possible, under the Environmental Permitting Regulations 2016 any discharge of sewage or trade effluent made to either surface water or groundwater will need to be registered as an exempt discharge activity or hold a permit issued by the Environment Agency, additional to planning permission. This applies to any discharge to inland freshwaters, coastal waters or relevant territorial waters.

Please note that the granting of planning permission does not guarantee the granting of an Environmental Permit. Upon receipt of a correctly filled in application form we will carry out an assessment. It can take up to 4 months before we are in a position to decide whether to grant a permit or not.

Domestic effluent discharged from a treatment plant/septic tank at 2 cubic metres or less to ground or 5 cubic metres or less to surface water in any 24-hour period must comply with General Binding Rules provided that no public foul sewer is available to serve the development and that the site is not within an inner Groundwater Source Protection Zone.

A soakaway used to serve a non-mains drainage system must be sited no less than 10 metres from the nearest watercourse, not less than 10 metres from any other foul soakaway and not less than 50 metres from the nearest potable water supply.

Where the proposed development involves the connection of foul drainage to an existing non-mains

drainage system, the applicant should ensure that it is in a good state of repair, regularly de-sludged and of sufficient capacity to deal with any potential increase in flow and loading which may occur as a result of the development.

Where the existing non-mains drainage system is covered by a permit to discharge then an application to vary the permit will need to be made to reflect the increase in volume being discharged. It can take up to 13 weeks before we decide whether to vary a permit.

Further advice is available at: [Septic tanks and treatment plants: permits and general binding rules.](#)

### *KCC Heritage*

The site lies within an area of multi-period archaeological potential. However, based on existing Historic Environment Record data for the area and the past development of the site, I consider it unlikely that these proposals would have a significant below-ground archaeological impact and have no further comments to make in this case.

### *KCC Highways*

This development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements. If there are any material highway safety concerns that you consider should be brought to the attention of the HA, then please contact us again with your specific concerns for our consideration.

It is important to note that Local Planning Authority (LPA) permission does not convey any approval to carry out works on or affecting the public highway.

Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because LPA planning permission has been granted.

For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture or landscape assets such as grass, shrubs and trees, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

Across the county there are pieces of land next to private homes and gardens and near the highway that do not look like roads or pavements but are actually part of the public highway.

Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil.

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a pre-application advice service in addition to a full formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. Further details are available on our website below:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissions-and-technical-guidance>

This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process. Further details on this are available on our website below:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/apply-for-a-dropped-kerb/dropped-kerb-contractor-information>

Once planning approval for any development has been granted by the LPA, it is the responsibility of the applicant to ensure that before development commences, all necessary highway approvals and consents have been obtained, and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority.

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Further guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissions-and-technical-guidance>

Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181.

#### Internal Consultees

#### *GBC Environmental Protection*

The comments made for the previous (withdrawn) application are reiterated.

#### **Watching Brief**

The applicant shall undertake a watching brief during construction in case any contamination issue is encountered. If during development any contamination is found, the local planning authority should be informed as soon as practical and the work shall not continue until written agreement is provided by the LPA as to the appropriate measures to be taken to resolve the matter and they are satisfied that those measures have been carried out.

#### **Code of Practice on Construction and Demolition**

Please apply as appropriate to minimise any impact on nearby houses during the construction.

#### **Lighting**

Artificial lighting can cause a statutory nuisance under the Environmental Protection Act 1990. It is important that the applicants are not permitted to install external lighting that illuminate anything other than the ground within the curtilage of the new properties in order to assist in preventing a nuisance from occurring (which would be most likely if the bedrooms on neighbouring properties are illuminated).

#### **Smoke Control Informative**

The proposed development is situated in a smoke control area. As such, only authorised smokeless fuels as listed in the Smoke Control Areas (Authorised Fuels) Regulations 1991 shall be burnt or fireplaces/appliances exempted by Smoke Control (Exempted Fireplaces) Orders shall be utilised. Exempt appliances are appliances (ovens including pizza and tandoori ovens, wood burners and stoves) which have been exempted by Statutory Instruments (Orders) under the Clean Air Act 1993. These have passed tests to confirm that they are capable of burning an unauthorised or inherently smoky solid fuel without emitting smoke. They must be fitted and used according to manufacturer's instructions and they can only be used for the fuel for which they are designed. When purchasing fuels and fireplaces the applicant should clarify with the vendor their suitability with respect to use in Smoke Control Areas. For further information, including confirmation that an appliance and/or fuel is suitable for use in a smoke control area, the applicant should contact the Council's Regulatory Services [air.quality@gravesham.gov.uk](mailto:air.quality@gravesham.gov.uk)

### **Drainage/sewerage informative**

The foul sewage shall be removed by means of the mains drainage system and not by the use of non-mains sewerage systems, unless connection to the drainage system is not reasonably practicable.

### Neighbouring properties

The application has been advertised on site and by individual neighbour letters to 4 properties. The overall consultation period expired on 26 August 2025.

Eight letters of representation have been received from neighbouring properties. These raise concerns regarding:

- Overdevelopment and harm to local character.
- Excessive and cramped form of backland development.
- Out of keeping with established pattern of development.
- Inadequate and poor-quality amenity space.
- Separation distances are not met.
- Close proximity of buildings to neighbouring properties.
- Sense of enclosure and visual intrusion
- Overlooking and loss of privacy for neighbouring gardens and habitable rooms.
- Breach of SPG guidance.
- Bulky building, steep roof pitch, and prominent dormers create an overbearing impact in a constrained plot.
- Proposed materials are out of keeping with the area.
- Replacement of garden space with hard surfacing erodes open character and biodiversity value.
- Encroachment risk onto neighbouring property during construction and boundary issues
- Damaging precedent if permitted, leading to cumulative harm to local amenity and character.
- The proposed access does not provide adequate turning and manoeuvring space.
- Misleading parking situation at No. 30, which currently has no parking.
- Increased vehicle movements will heighten the risk to pedestrians and other road users.
- Construction noise and future residential activity will create unacceptable disturbance.

Local Ward Councillors were also consulted but no responses were received.

### **Officer's Analysis**

#### Proposal

This application seeks permission for the demolition of existing outbuildings at the rear of 28/30 Sun Lane and the erection of a detached chalet bungalow

Nos. 28 and 30 form a pair of extended two storey semi-detached dwellings, fronting onto Sun Lane and on the corner with Ferndale Road. Across the rear of these properties there are a number of attached single storey outbuildings, garages and a car port, accessed from Ferndale Road, all of which will be demolished. The space taken up by the outbuildings across the rear of Nos. 28 and 30 will form the new plot for the proposed detached dwelling.

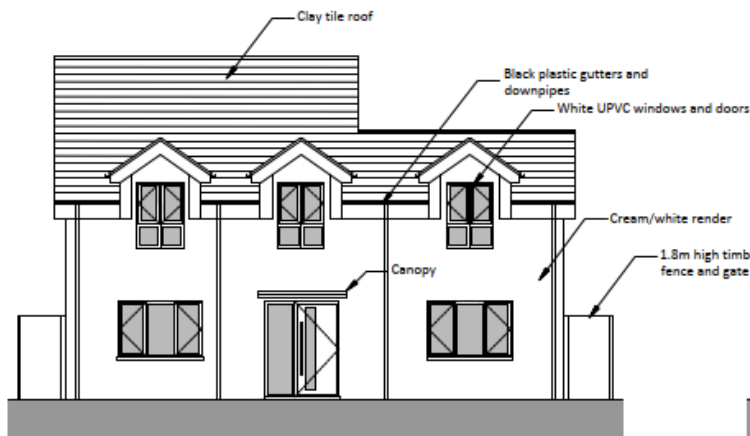
The proposed dwelling will be positioned towards the rear of the new plot, with two car parking spaces positioned perpendicular to the road immediately in front of the house, which will face onto Ferndale Road.

The dwelling will comprise a hall, WC, study and kitchen/living/diner on the ground floor and two bedrooms and a bathroom on the first floor. There will be no windows on the flank walls, the first floor rear velux windows will serve bathrooms.

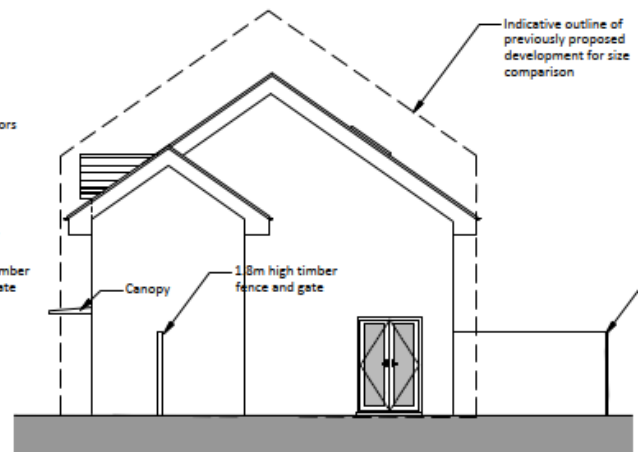
There will be 1m between the flank walls and boundaries. At the rear, the garden will be between 2.15m and 7.3m deep.

The house will be gable ended. Materials shown on the plans include a clay tile roof and cream/white render.

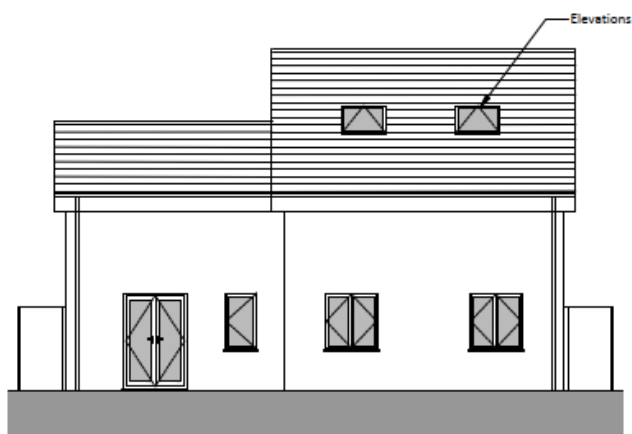
### Proposed Elevations:



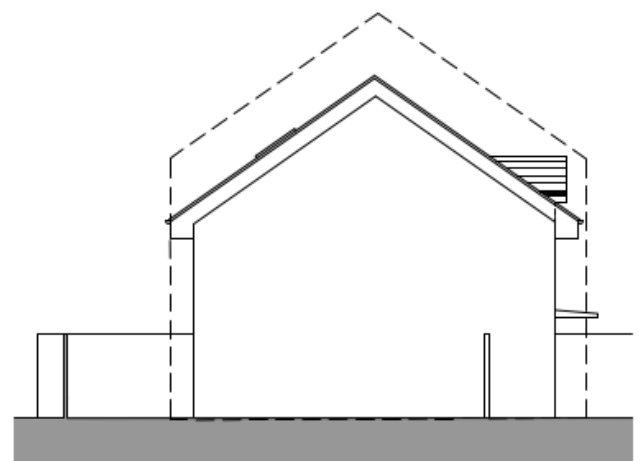
Proposed Front (North) Elevation  
1:100



Proposed Side (West) Elevation  
1:100

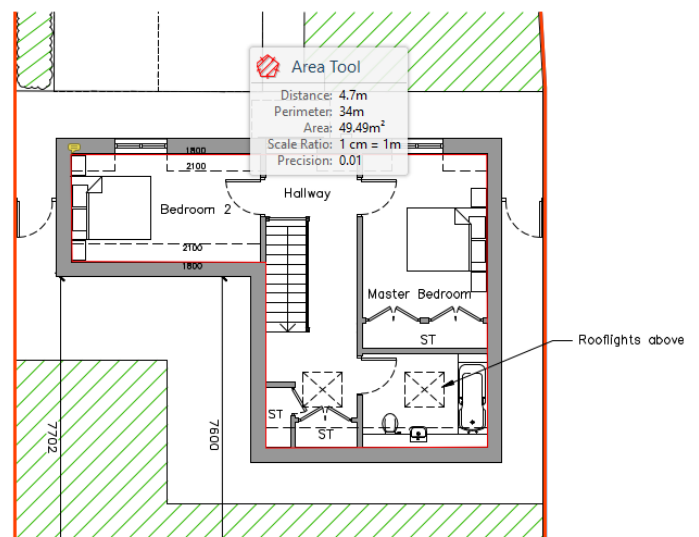
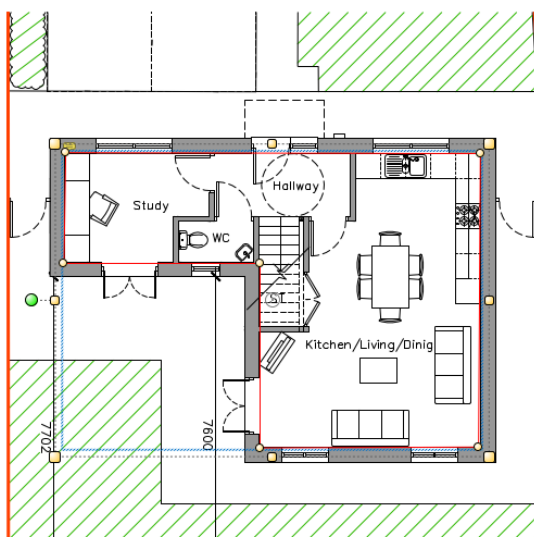


Proposed Rear (South) Elevation  
1:100



Proposed Side (East) Elevation  
1:100

### Proposed Floor Plans:

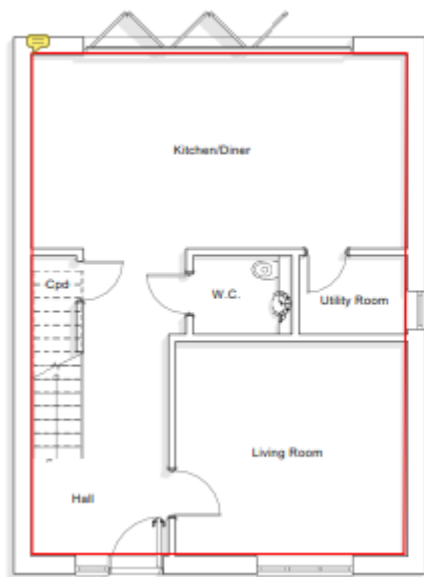


## Background

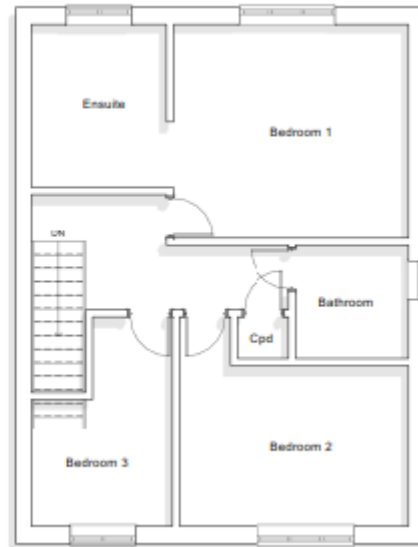
A similar development for one dwelling was refused planning permission under application 20201259 on the following grounds:

1. *The proposed dwelling will result in a cramped over-development of the site that would be out of keeping with the character and appearance of the layout of the residential properties in the surrounding area. The proposal is therefore considered to be contrary to the requirements of Policies CS14, CS15 and CS19 of the Gravesham Local Plan Core Strategy 2014, and paragraphs 117, 122, 124, and 127 of the National Planning Policy Framework 2019.*
2. *The proposed dwelling will result in an unacceptable and cramped amenity space for future occupiers, who would also be likely to experience unacceptable levels of overlooking and dominance from the close presence of Nos. 28 and 30 Sun Lane. The proposal would therefore fail to provide a high standard of amenity for future users, which would conflict with the requirements of the SPG2 Residential Layout Guidelines (2020), Policy CS19 of the Gravesham Local Plan Core Strategy 2014 and paragraph 127f of the National Planning Policy Framework 2019.*
3. *The proposed dwelling will result in an unacceptable loss of light and overshadowing to the existing properties at Nos. 28 and 30 Sun Lane due to the lack of space between the properties, and would have an unacceptable and overbearing impact that would also result in overlooking and loss of privacy to neighbouring gardens. The proposal would therefore fail to provide a high standard of amenity for existing users, which would conflict with the requirements of the SPG2 Residential Layout Guidelines (2020), Policy CS19 of the Gravesham Local Plan Core Strategy 2014 and paragraph 127f of the National Planning Policy Framework 2019.*
4. *The proposed dwelling will result in the removal of the rear car parking provision for Nos. 28 and 30 Sun Lane, and in the absence of information to demonstrate that adequate parking provision will remain, the development will result in a shortfall in parking space for the existing properties, which is likely to have an adverse impact on on-street parking in the area. The proposal is therefore considered to be contrary to the requirements of Saved Policy P3 of the Gravesham Local Plan 1994 and Policy CS19 of the Gravesham Local Plan Core Strategy 2014.*
5. *The proposal fails to secure a contribution towards strategic mitigation measures within the Thames Estuary and Marshes SPA/Ramsar Sites to resolve disturbance issues to wintering birds, and in the absence of this contribution or any evidence to inform an appropriate assessment, the development fails to comply with the requirements of the Habitat Regulations and paragraphs 170 and 175 of the National Planning Policy Framework 2019 and Policy CS12 of the Gravesham Local Plan Core Strategy 2014.*

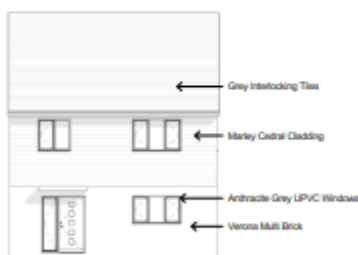
*Floor Plans and Elevations for 20201259:*



**1 Proposed Ground Floor**  
1 : 50



**2 Proposed First Floor**  
1 : 50



**3 Proposed Front**  
1 : 100



**4 Proposed R/H Side**  
1 : 100



**5 Proposed Back**  
1 : 100

The current application should be considered in the context of this refusal, in order to determine whether it would overcome the above refusal grounds.

### Main Issues

As the previous application determined, the principle of residential development in this area is generally supported (Policy CS02 of the Core Strategy 2014), and as the current proposed development is located within the urban boundary of Gravesend and would provide a net increase of one residential unit on the site, which would provide a small contribution towards meeting the identified unmet housing needs of the Borough, there is no need to examine this matter further under the current proposal.

Taking the previous refusal grounds as the starting point for the consideration of this application, the main issues for consideration are as follows:

- Design, character and appearance
- Residential amenity
- Parking and highways
- Ecology

### Design, Character and Appearance

Section 12 of the NPPF 2024 relates to achieving well-designed places and sets out the Government's requirements in relation to design issues. Paragraph 131 emphasises the importance of achieving high quality, beautiful and sustainable buildings and places. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 135 of the NPPF 2024 also seeks to ensure that development will add to the quality of an area, be visually attractive, and sympathetic to local character and history. Policy CS19 of the Core Strategy 2014 reflects these aims and requires that new development is well designed and respects the character and appearance of the surrounding area.

Whilst it is recognised that development which makes effective use of land should be supported (paragraph 124 of the NPPF 2024), this comes with the proviso that it should safeguard and improve the environment and not conflict with other policies in the NPPF. Relevant to this proposal, paragraph 129 of the NPPF states that developments that makes efficient use of land should be supported, taking into account the identified need for different types of housing, the desirability of maintaining an area's prevailing character and setting (including residential gardens), and the importance of securing well-designed places.

In a similar vein, Policy CS14 of the Core Strategy sets out that new housing development is expected to provide a range of dwelling types and sizes, taking into account the existing character of the area and evidence of local need to create sustainable and balanced communities. The proposal forms a 2 bedroom detached dwelling and would therefore be supported by Policy CS14, providing design and character is also acceptable.

Policy CS15 of the Core Strategy seeks to achieve a minimum density for residential development in the urban area of 40 dwellings per hectare (dph), subject to the overriding consideration that all new housing will be at a density that is consistent with achieving good design and does not compromise the distinctive character of the area. The application site measures 0.0232 hectares (the application form states an incorrect site area); 1 dwelling on this site would just exceed the density target of 40 dph. The design of the proposal and impact on the character of the area will be considered below.

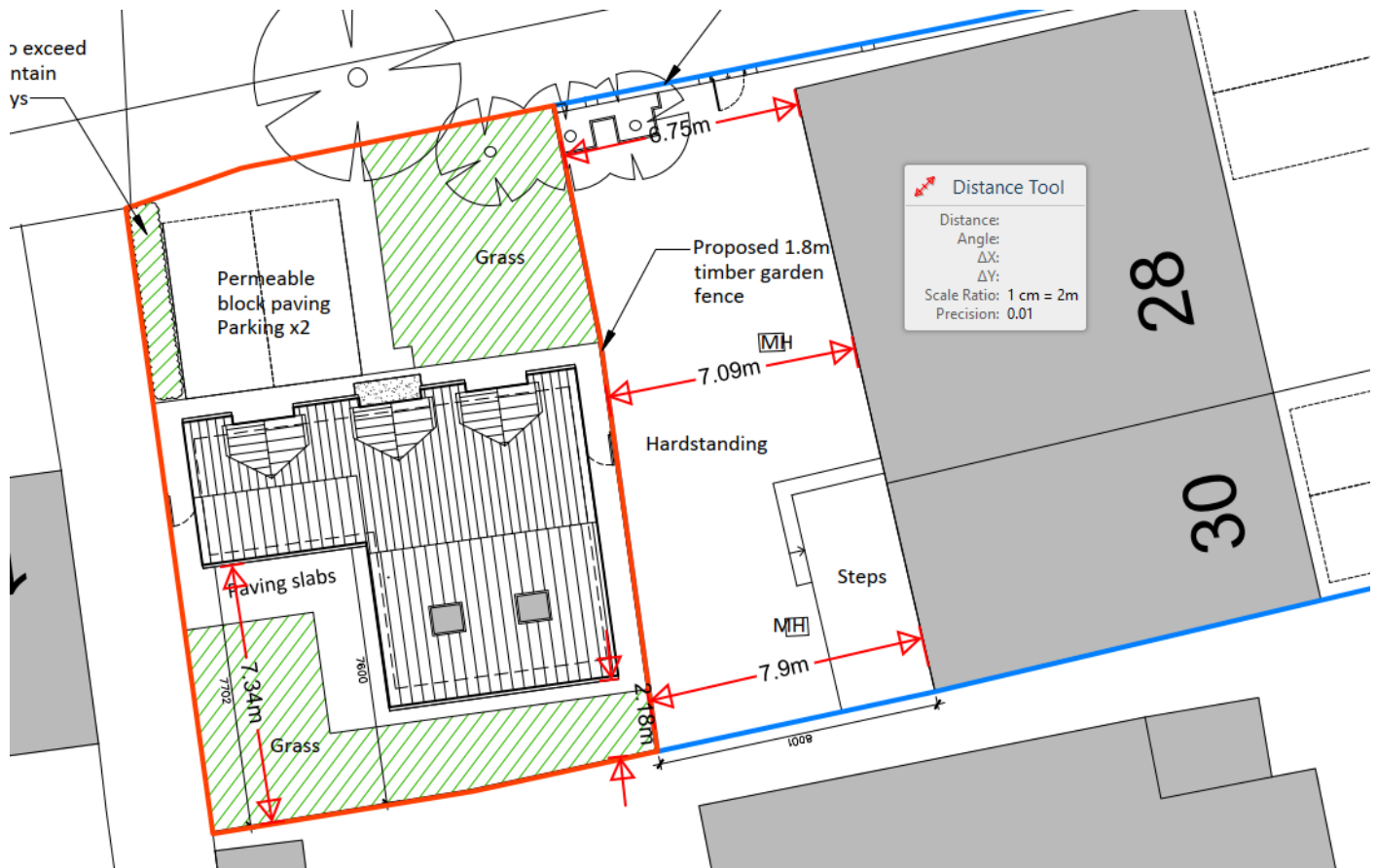
The application site is located within the urban boundary of Gravesend, in a residential area that comprises a mix of detached, semi-detached and terraced properties. The plots of the surrounding properties, even the terraced properties, are fairly generous, particularly in terms of their length. There do not appear to be any rear gardens of similar properties in the immediate surrounding area that have been compromised in the manner proposed.

*Current Google Earth Image:*

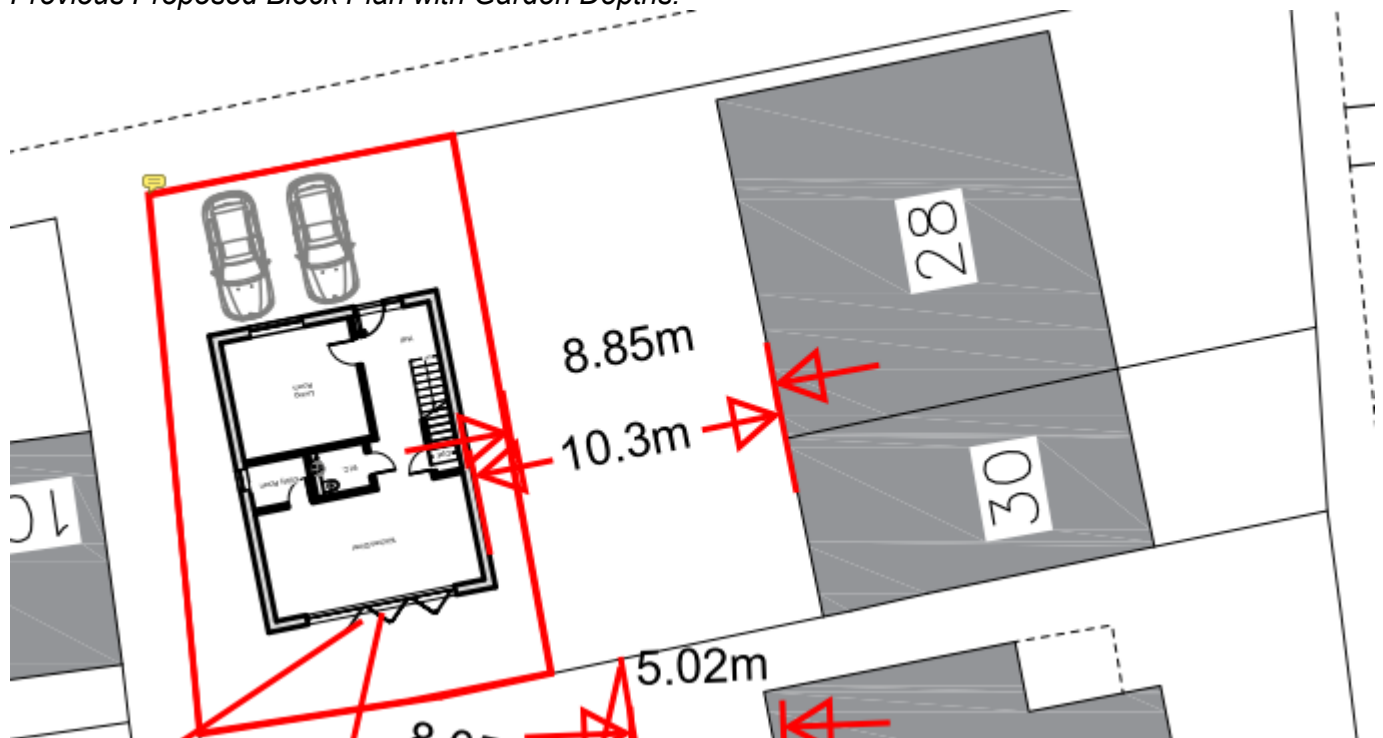


The retained rear garden of the existing semi-detached properties would be between 6.75m and 8.m deep. This is less than the previous proposal (8.9m deep). The rear garden of the proposed dwelling would be a minimum of 2.18m and a maximum of 7.34m deep; again, the minimum depth is less than the previous proposal, which was 3.2m deep.

*Current Proposed Block Plan with Garden Depths:*



Previous Proposed Block Plan with Garden Depths:



Due to the prominent and fairly open corner position of the application site, the proposed development would be completely and obviously at odds with the size of surrounding plots and would result in a cramped and incongruous layout for both the existing and proposed properties. It would also set an unacceptable precedent for similar development in the area.

Therefore, whilst the proposal may seek to make a more efficient use of the site for housing, this should not be outweighed by the clear development plan objective to maintain and improve the character of the area. As previously determined, the proposed house will sit on an obviously smaller plot than its surrounding counterparts and will result in a cramped over-development of the site development that would be out of keeping with the character and appearance of the layout of the properties in the surrounding area. The amendment of the design to a chalet style dwelling does not lessen this impact in any way. On this basis, the proposal continues to be contrary to the requirements of Policies CS14, CS15 and CS19 of the Core Strategy 2014, and paragraphs 124, 129, 131, and 135 of the NPPF 2024 and fails to overcome the first refusal ground.

### Residential Amenity

The NPPF 2024 states that planning decisions should aim to secure a high standard of amenity for all existing and future users (paragraph 135f). The impact on amenity is also considered with regard to the criteria within Policy CS19 of the Core Strategy 2014, which states that new development should be located, designed and constructed to safeguard the amenity, including privacy, daylight and sunlight, of its occupants, and those of neighbouring properties and land.

### *Future Occupiers*

It is considered that the proposal complies with the Technical Housing Standards - Nationally Described Space Standards 2015 in terms of the size of the proposed accommodation, which with a gross internal floor area (GIFA) of approximately 98m<sup>2</sup>, exceeds the minimum standard for a 2 bedroom 2 storey dwelling (the largest 4 person, 2 bed unit would require a minimum GIFA of 79m<sup>2</sup>).

However, the proposal does not comply with the Council's residential layout guidelines for the proposed or retained gardens. For a 2 bedroom house a minimum garden area of 37.2m<sup>2</sup> is required, with a minimum depth of 7.6m. Whilst the proposed rear garden area for the new dwelling measures approximately 56m<sup>2</sup> (which is larger than the previous 37m<sup>2</sup>), it will have a minimum depth of approximately 2.2m. The retained gardens of Nos. 28 and 30 would have depths of between 6.75m and 8m; again, this is less than the previous measurement of 8.9m. The retained garden area for No. 30 would be approximately 45m<sup>2</sup>, and the retained garden area of No. 28 would be 85m<sup>2</sup>. These would both be reduced compared to the previous proposal. The gardens will therefore be below the minimum garden area and depth acceptable for the associated house, and this will therefore result in unacceptable and cramped amenity space for the occupiers of each property, which will result in an inadequate provision for storage, leisure use, clothes drying and play space.

In addition, due to the close proximity of the existing dwellings to the proposed new dwelling (with between 7.7m and 8.5m between the eastern flank boundary of the new dwelling and the rear building line of Nos. 28 and 30) the proposed new dwelling, and particularly its garden, would be likely to experience unacceptable levels of overlooking and dominance from the close presence of Nos. 28 and 30. Again, this distance is reduced from the previous proposal, which had 10.3m between the flank and rear walls of the proposed and existing dwellings respectively.

Similarly, the presence of the proposed dwelling is likely to cause an unacceptable loss of light and overshadowing to the existing properties at Nos. 28 and 30 due to the proximity between the properties. The height of the proposed dwelling has been reduced by 1.3m as the roofline has been lowered, and its depth has also been reduced. However, the residential layout guidance states that the minimum distance between a window of a habitable room to any house wall of equivalent height containing no windows is 11m; there will be between approximately 7.7m and 8.5m between the rear of Nos. 28 and 30 and the flank wall of the proposed dwelling. The proposed dwelling is therefore likely to result in unacceptable loss of light and overshadowing to Nos. 28 and 30.

Whilst the garden area of the proposed dwelling is slightly improved from the previous proposal, the depth of the garden would be worse, as would the distances between the existing and proposed dwellings, and

the retained garden areas for the existing properties. There therefore continues to be clear conflicts with the requirements of the SPG2 Residential Layout Guidelines (2020), Policy CS19 of the Core Strategy 2014 and paragraph 135f of the NPPF 2024 in respect of the failure to provide a high standard of amenity and living conditions for future occupants of the existing and proposed dwellings on the site, and the second and third refusal grounds would not be addressed by the current proposal.

### *Neighbouring Properties*

The neighbouring property most likely to be affected by the proposal would be No. 32, which lies to the southern boundary of the application site. It is recognised that in a residential area there is already a certain level of overlooking of properties and gardens experienced due to the built-up nature of the area. However, the erection of the proposed dwelling so close to the boundary of No. 32 at two storeys along the entire length of its garden, is likely to result in an increased sense of dominance and enclosure, and to a slightly lesser extent to No. 34.

The current proposal has improved the impact on the privacy of these spaces by removing first floor rear windows as the windows at first floor level are now proposed as velux windows serving bathrooms. However, the removal of first floor windows increases the obtrusiveness of the building and also still retains the perception of overlooking by the presence of the velux windows.

It therefore remains a concern that the proposed dwelling would have an unacceptable and overbearing impact on the neighbouring properties. As such, the proposal would continue to fail to comply with the requirements of the SPG2 Residential Layout Guidelines (2020), Policy CS19 of the Core Strategy 2014 and paragraph 135f of the NPPF 2024, and the third refusal ground is therefore not considered to have been addressed.

### Parking and Highways

A 2 bedroom dwelling would require a maximum of 2 car parking spaces. There are 2 parking spaces proposed to the front of the new dwelling. The proposal is therefore considered to comply with parking standards.

The fourth refusal ground for application 20201259 related to a concern about a potential shortfall of parking spaces for Nos. 28 and 30 Sun Lane, given that the proposal removed the existing rear parking for these properties. However, the front of both properties now consist of hardstanding and the current proposal demonstrates that there would be two parking spaces each for Nos. 28 and 30, which would be adequate provision for these properties and would meet the maximum parking standards. The fourth refusal ground is therefore considered to have been addressed and would comply with Saved Policy P3 of the Local Plan and Policy CS19 of the Core Strategy.

### Any Other Material Planning Considerations

#### *Thames Estuary and Marshes Ramsar / Special Protection Area (SPA) – SAMMS Tariff:*

As the application site is within 6km of the Thames Estuary and Marshes SPA/Ramsar Sites and would provide additional residential accommodation, the proposed development is likely to have a significant effect, either alone or in-combination, on the coastal North Kent Special Protection Areas (SPAs)/Ramsar sites from recreational disturbance on the over-wintering bird interest. On this basis a tariff of £337.49 is required (given there is one additional dwelling proposed on the site).

The applicant has paid this tariff, and the Local Planning Authority can be satisfied that the proposal would put in place adequate measures to mitigate potential significant adverse effects on the Thames Estuary and Marshes SPA/Ramsar Sites, which would comply with paragraphs 187 and 194 of the NPPF 2024 and Policy CS12 of the Core Strategy 2014. The fifth refusal ground for application 20201259 is therefore considered to have been addressed.

## *Environmental Protection*

The application has a low environmental risk. There is no objection to the proposal providing a watching brief condition relating to contaminated land is placed on any forthcoming planning permission, plus informatives relating to a code of practice for construction and demolition, lighting, smoke control, and drainage/sewerage.

## *Biodiversity Net Gain (BNG)*

Biodiversity net gain is a way of creating and improving biodiversity by requiring development to have a positive impact ('net gain') on biodiversity.

In England, biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). This statutory framework is referred to as 'biodiversity net gain' in Planning Practice Guidance to distinguish it from other or more general biodiversity gains.

Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met ("the biodiversity gain condition"). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits.

In this case, the proposed development is covered by an exemption: it is a development below the threshold as it does not impact a priority habitat and impacts less than 25 square metres (5m by 5m) of on-site habitat and 5 metres of on-site linear habitats such as hedgerows. There is no habitat on the site, which entirely consists of outbuildings and hardstanding. Therefore, the development would not be subject to biodiversity net gain.

## **Conclusion**

Whilst the previous grounds of refusal under application 20201259 have been addressed in relation to parking and the Thames Estuary and Marshes SPA/Ramsar Sites, and despite the fact that the proposal would provide a small contribution towards increasing housing numbers in the area, the adverse effects of granting planning permission in this instance would continue to significantly and demonstrably outweigh this benefit. On this basis, the application is unacceptable for the following reasons:

1. The proposed dwelling will result in a cramped over-development of the site that would be out of keeping with the character and appearance of the layout of the residential properties in the surrounding area. The proposal is therefore considered to be contrary to the requirements of Policies CS14, CS15 and CS19 of the Gravesham Local Plan Core Strategy 2014, and paragraphs 124, 129, 131, and 135 of the National Planning Policy Framework 2024.
2. The proposed dwelling will result in an unacceptable and cramped amenity space for future occupiers, who would also be likely to experience unacceptable levels of overlooking and dominance from the close presence of Nos. 28 and 30 Sun Lane. The proposal would therefore fail to provide a high standard of amenity for future users, which would conflict with the requirements of the SPG2 Residential Layout Guidelines (2020), Policy CS19 of the Gravesham Local Plan Core Strategy 2014 and paragraph 135f of the National Planning Policy Framework 2024.
3. The proposed dwelling will result in an unacceptable loss of light and overshadowing to the existing properties at Nos. 28 and 30 Sun Lane due to the lack of space between the properties and would have an unacceptable and overbearing impact to neighbouring gardens. The proposal would therefore fail to provide a high standard of amenity for existing users, which would conflict with the requirements of the SPG2 Residential Layout Guidelines (2020), Policy CS19 of the Gravesham Local Plan Core Strategy 2014 and paragraph 135f of the National Planning Policy Framework 2024.

**Recommendation:**

Refuse.

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

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|----------------------|----------------------|---------------------|---------------------------------------|
| <b>Case Officer:</b> | Mrs Katherine Parkin | <b>Team Leader:</b> | <b>Richard Hart</b>                   |
| <b>Signed:</b>       | <i>K. Parkin</i>     | <b>Signed:</b>      | <i>R Hart</i>                         |
| <b>Dated:</b>        | 19 September 2025    | <b>Dated:</b>       | <b>22<sup>nd</sup> September 2025</b> |