



Appeal Decision

Site visit made on 9 December 2025

by **L Reid BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15th January 2026

Appeal Ref: 6001251

1 Russell Road, Gravesend, Kent DA12 2RT

- 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 Samra Property SE Ltd against the decision of Gravesend Borough Council.
 - The application Ref is 20250244.
 - The development proposed is the demolition of an existing detached dwelling (No 1 Russell Road, Gravesend DA12 2RT) and the subsequent construction of a new two-storey block with habitable roof space comprising of 1 x 3b/5p house, 3 x 1b/1p studio apartments and 3 x 1b/2p apartments with associated access, private and communal amenity space, refuse and cycle storage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 16 December 2025, the Government published a consultation on proposed reforms to the National Planning Policy Framework (the Framework) and other changes to the planning system. The consultation was accompanied by a Written Ministerial Statement. Whilst broad changes to the structure of the Framework are proposed as part of this consultation, these proposals could be subject to further change and therefore carry limited weight at this stage. It has therefore not been necessary to consult the parties on the changes, and I am satisfied that this has not prejudiced any party. In reaching my decision, I have had regard to the latest version of the Framework published in December 2024.

Main Issues

3. The main issues are the effect of the proposal on:
 - The character and appearance of the area;
 - The living conditions of the occupants of 25 Albion Terrace with regards to outlook; and,
 - The integrity of the Thames Estuary and Marshes Ramsar Site and Special Protection Area.

Reasons

Character and appearance

4. Russell Road is lined mainly with two-storey terraced houses, with a three-storey terrace further along the road. Albion Terrace has a more varied mix of two- and three-storey buildings and some flats.

5. The appeal site is a prominent corner plot at the junction of Russell Road and Albion Terrace. It is occupied by a bungalow. The site is immediately surrounded by two-storey housing and has little visual connection with the taller flats in the area. Despite design variations in the surrounding terraces, their scale and massing are generally consistent, which positively contributes to the character and appearance of the area. Even though it differs from nearby buildings, the bungalow does not detract from the area's character.
6. It is proposed to demolish the bungalow and replace it with a two-storey building with an additional storey contained within the roof. It would have frontages on Russell Road and Albion Terrace.
7. It is recognised that the design attempts to reflect the height and scale of the surrounding terraces by continuing the roof ridge height and eaves level on the south elevation, with a staggered roofline along the east elevation. However, because of the extent and size of the front-facing pitched roof projecting out of the roof on the south elevation, together with the dormer windows and other windows in the roof, visually the building would effectively appear as three storeys high. Consequently, amongst the surrounding two-storey terraces, the proposed building would be incongruous. In addition, elements such as the front-facing pitched roof, grey slate tiles, and the chamfered roof form on the north elevation are not characteristic of nearby terraces and would further emphasise the building's discordant appearance in the street scene.
8. Although the bungalow has a footprint bigger than its neighbours, because of its single-storey form, it does not disrupt the cohesive scale found in the area. Due to its depth, the proposed building would have a large footprint, spanning most of the width of the plot, and would occupy a substantial proportion of the site. Its combined depth, width and height would give the building a considerable bulk, and the segmentation of the east elevation would not be enough to reduce this bulk to an acceptable level.
9. There would be space at the rear of the building to provide amenity space, parking and cycle and refuse storage. However, the proposed building's width would bring it very close to the Russell Road boundary, pushing it noticeably forward of neighbouring houses. Because of its size and the closeness to the boundary, the building would have an appearance of a cramped form of development, symptomatic of a plot which is not able to accommodate the scale of development proposed. The bungalow does not strictly follow the Russell Road building line, but this is not particularly apparent. The proposed building, by contrast, would sit conspicuously forward and appear unduly prominent in the street scene.
10. The proposal would comply with some parts of the Design for Gravesham Design Code Supplementary Planning Document 2024, as the building would have entrances and window openings facing the streets, facilitating natural surveillance and the refuse store would be set back from the road and effectively screened. However, this would not overcome my concerns over the design of the building.
11. For these reasons, I conclude that the proposal would cause harm to the character and appearance of the area. Accordingly, it would conflict with Policies CS15 and CS19 of the Gravesham Local Plan Core Strategy 2014 (the Core Strategy). These policies, amongst other things, expect housing to be developed at a density

that is consistent with achieving good design and to integrate well with the surrounding local area.

12. The reason for refusal refers to Policy CS14 of the Core Strategy. As this policy relates to housing type and size, it is not determinative in the context of character and appearance.

Living conditions of the occupants of 25 Albion Terrace

13. The existing bungalow sits close to the boundary with 25 Albion Terrace (No. 25) and is clearly visible from its rear garden, creating some sense of enclosure due to its depth. Although the rear projection of the proposed building would be narrower than the bungalow, due to its three-storey height and overall depth, it would further restrict the already limited outlook from No. 25's garden. The combined height, depth and bulk of the rear projection would give the proposed building a far more imposing presence than the bungalow. Subsequently, when viewed from No. 25's rear garden, it would create a greater sense of enclosure, significantly diminishing the enjoyment of this rear garden, harming their living conditions.
14. The letter of support from the occupants of No.25 is acknowledged. However, planning is concerned with development in the public interest. One of the functions of the planning system is to secure a high standard of amenity for existing and future occupants. In this regard, the proposal falls short. The proposal would be permanent, and it would have a harmful impact in perpetuity. A lack of objection would therefore not alter my conclusions on the merits of the proposal in this regard.
15. I note the approved ground-floor extension at No.25, but there is no substantive evidence that works have been started. I therefore cannot be certain that this extension will be built. Notwithstanding this, even if it were to be built, the proposed building would still project beyond the rear elevation of No. 25 and would still have a significant enclosing effect because of its overall size.
16. The analysis from the Daylight and Sunlight Assessment demonstrates that the impact of the proposal on the daylight and sunlight received at No.25 would be within the relevant guidelines. However, this would not mitigate against the harm from the loss of outlook, which is different to daylight and sunlight. Even if the proposal adheres to the 45-degree rule, this measurement is primarily used to assess light, and this was not a reason for the refusal.
17. For these reasons, I therefore conclude that the proposal would unduly harm the living conditions of the occupants of No.25 with regards to outlook. Accordingly, it would conflict with Policy CS19 of the Core Strategy, which amongst other things, requires new development to be located, designed and constructed to safeguard the amenity of neighbouring properties.

Thames Estuary and Marshes Ramsar Site and Special Protection Area

18. The appeal site is within the Zone of Influence (Zoi) of the Thames Estuary and Marshes Ramsar site (Ramsar Site) and Special Protection Area (SPA) which is internationally important for nature conservation. It is protected under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitats Regulations), and as such, it is incumbent upon me as the competent authority to consider the likely significant effects of the proposed development, alone or in

combination with other plans or projects, on the integrity of the Ramsar site and SPA.

19. Within the Zol, Natural England advise that any net increase in residential units will have a likely significant effect on the qualifying features of the habitat site through increased recreational pressure, either alone or in combination with other development. Financial contributions are sought from developers to deliver management and monitoring of recreational pressure. The required contribution can be secured by means of a Strategic Access Management and Monitoring Strategy (SAMMS) Agreement between the developer and the Council.
20. Although the appellant has indicated a willingness to pay the SAMMS mitigation contribution, no evidence is before me which would demonstrate that a mechanism, such as a unilateral undertaking (UU) provided by the appellant, is in place to secure such a contribution. This also cannot be dealt with by planning condition if the appeal was allowed, as a positively-worded condition cannot be imposed to require the payment of money¹.
21. Accordingly, I can only conclude that it has therefore not been demonstrated that the proposal would not have an adverse effect on the integrity of the Ramsar site and SPA. It conflicts with Policy CS12 of the Core Strategy and also fails to address the requirements of the Habitat Regulations. As I am dismissing the appeal for other reasons, I do not need to consider this matter further as it would not change the outcome.

Other Matters

22. The specialist advice contained in the Design and Access Statement, Transport Statement and Daylight and Sunlight Assessment is acknowledged. However, their conclusions do not alter my findings on the main issues. The appellant has sought to address the comments made by the Council at the pre-application stage, and this is commendable. Nevertheless, my decision is based on the planning merits of the proposal.

Planning Balance

23. The proposal would comply with some of the development plan policies. However, it is not unusual for policies to pull in different directions. It would cause harm to the character and appearance of the area and would be harmful to the living conditions of the occupants of No.25. Furthermore, without mitigation secured at the time of decision-making, the proposal would harm the integrity of the Ramsar site and SPA. The proposal therefore conflicts with the development plan as a whole. I apportion significant weight to this conflict and the associated harm.
24. The Council cannot currently demonstrate a five-year supply of deliverable housing sites. Paragraph 11d i) of the Framework sets out the presumption in favour of sustainable development should apply unless the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed. Footnote 7 referred to in paragraph 11d) i. lists habitat sites which include the Ramsar site and SPA.

¹ PPG paragraph 21a-005-20190723

25. Having regard to paragraph 11d i) of the Framework, because of the harm that would be caused to the integrity of the Ramsar site and SPA, this provides a strong reason for refusing the proposal. Consequently, the presumption in favour of sustainable development does not apply in this instance. Even though the Council cannot demonstrate a 5-year supply of deliverable sites, paragraph 11d ii) of the Framework is not engaged.
26. The proposal would deliver seven homes, including a family-sized house, with amenity space provision, in an accessible location. It would contribute to the housing supply and would re-use an existing residential site. There would be some economic and social benefits through the construction phase and future spending, as well as support for local services. However, due to the quantum of development, the associated benefits would be modest and would not outweigh the harm I have identified including the conflict with the development plan.

Conclusion

27. The proposal conflicts with the development plan and the material considerations, do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal should be dismissed.

L Reid

INSPECTOR