



Delegated Report

Householder Planning Application

Planning Application No: 20260412

Location: Poppy Hill, Gravesend Road Higham Rochester

Description: Creation of raised patio across sloping ground, stepped down from rear access.

Applicant: Rochester Jayley Manwaring

Site Visit Date: 18th May 2026

Submitted Documents/Plans

Application Form Dated 20/04/2026;

Drawing number GR-001 Rev P02 (REVISED Site Location Plan and Block Plans – Existing and Proposed);

Drawing number GR-002 Rev P01 (Floor Plans and Elevations – Existing); and

Drawing number GR-003 Rev P01 (Floor Plan and Elevations – Proposed).

~~Drawing number GR-001 Rev P02 (SUPERSEDED Site Location Plan and Block Plans – Existing and Proposed);~~

Relevant Planning History

Reference	Description	Decision	Decision Date
20260169	Application for a Proposed Lawful Development Certificate Construction of a raised patio.	Certificate Refused	08.04.2026
20240180	Application for a non-material amendment to planning permission reference number 20211583 to allow changes to fenestration and introduction of facing brick plinth to all elevations. Change of roof tiles from blue/black roof slates to plain red roof tiles.	Approval of Non-Material Amendment	21.03.2024
20211583	REVISED DESCRIPTION* Demolition of existing garage and provision of vehicle hardstanding in the front garden; erection of part single storey and part two storey front, rear and side extensions incorporating alterations to roof and two glazed Juliet balconies at first floor level to the rear elevation; and installation of a low level patio in the rear garden	Permitted	29.04.2022

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)
- Gravesham Landscape Character Assessment (2009)

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

Higham Parish Council

Comments for Planning Application - 20260412 Atbara, Gravesend Road, Higham, Kent ME3 7EQ

As a Parish Council, we feel it is in the best interest of our parishioners to provide comments to the planning application submitted for the above property for the "Creation of raised patio across sloping ground, stepped down from rear access."

Councillors are concerned that the height of the proposed raised patio may result in overlooking, which could adversely affect the privacy of neighbouring properties.

We ask that our concern is considered when this planning application is reviewed.

Neighbouring properties

3 surrounding properties were consulted and no responses were received. The consultation period ended on 12th May 2026.

Officer's Analysis

Design, Character and Appearance

Poppy Hill is a detached dwellinghouse located on the north side of the highway. The application site is set on a gradient with land levels falling away from the dwelling from north to south.



The application proposes the creation of a raised patio area.



The raised area will introduce 2no steps leading from the rear bi-fold doors to a patio with a further 2no steps leading to the rear garden:



The patio will wrap around to the east flank elevation with a maximum width of 12.3m and a height of 1.3m. It will project 4.27m from the rear elevation.

The proposed patio will be constructed with porcelain/slate tiles.

The development hereby proposed is not excessive in size or bulk, will be constructed using appropriate materials and will have no impact on the street scene. Therefore, the application 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).

Amenity of Future Occupiers

The application does not propose any changes to the size of the amenity area and no concerns are raised. As such, the proposed development is considered to safeguard the amenity of future occupiers 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).

Neighbouring Amenity

The Key Principles for new development as stated in Gravesham's Householder Extensions/Alterations Design Guidance (SPD) (2021) 9.6 details:

Privacy

9.6: It is important that new development sustains the privacy of neighbouring dwellings. Windows, balconies and raised decking can result in the loss of privacy to neighbouring properties from overlooking of their private amenity areas, or from direct close views into windows. To ensure adequate privacy levels are retained, there should be no direct overlooking into neighbouring habitable rooms or private amenity spaces of neighbouring gardens. There may be a requirement for privacy screens to the end of raised decks or balconies.

Gravesham's Residential Layout Guidelines (RLG) (1996) states that private amenity space is defined as the first 5m of garden area.



In this case, the raised area is at an elevated position from ground level with land levels sloping down from the rear elevation and as such, would have a detrimental impact on the private amenity space of neighbouring property to the west known as Ballacraine:



However, as the property is detached and the patio area is set away from the boundary of the neighbouring property, it is possible to erect privacy screens to the edge of the patio area without detrimentally impacting the outlook or light of the neighbouring property.

Therefore, it will be conditioned that a privacy screen of 1.8m in height should be erected to the eastern edge of the raised patio, as permitted, to protect the privacy of the neighbouring property known as Ballacraine.

The privacy of neighbouring property to the east of the application site, known as Highways, would be protected by way of the existing boundary treatments:



The proposal is not considered to have a detrimental impact on properties in neighbouring the neighbouring Hollytree Drive, to the rear of the application site, due to the distance from the raised patio area.

Therefore, subject to conditions, 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).

Any Other Material Planning Considerations

The site is located within the Higham Arable Farmlands Landscape Character Area. This area is characterised by very gently undulating topography of open arable farmland with pockets of orchards and garden nurseries. The developments spread from the original Saxon settlement of Lower Higham in the North, to more contemporary developments in the South around main road networks.

Policy CS12 (LPCS) seeks to protect the Green infrastructure within the Borough and states at 5.7.26 the overall landscape character and valued landscapes will be conserved, restored and enhanced.

The single storey rear extension is not considered to impact on the Higham Arable Farmlands Landscape Character Area as it is within a relatively well-developed part of the landscape.

Conclusion

The proposal is not excessive in size or bulk, will be constructed using appropriate materials and will have no detrimental impact on the street scene. The development will safeguard the amenity of future occupiers and will not harm the amenity of any adjoining property. As such, it is recommended that planning permission is granted, subject to conditions.

Recommendation

Permission

(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:	10 th June 2026	Dated:	16th June 2026