



Appeal Decision

Site visit made on 28 October 2025

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

an Inspector appointed by the Secretary of State

Decision date: 26th November 2025

Appeal Ref: APP/K2230/W/25/3370490

40 Cross Lane East, Gravesend, Kent DA12 5HB

- 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 Mr Singh against the decision of Gravesend Borough Council.
 - The application Ref is 20250446.
 - The development proposed is erection of a single two-bedroom dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The proposal follows a previous planning application for the construction of two one-bed flats at the appeal site that was refused by the Council¹ and dismissed at appeal (the previous scheme)². Whilst I have had regard to the previous scheme, I have determined the current proposal on its own merits.

Main Issues

3. The main issues are:
 - The effect of the proposal on the character and appearance of the area;
 - Whether the proposal would provide satisfactory living conditions for future occupiers, with regard to outlook, daylight, amenity space and privacy; and,
 - Whether the proposal would secure biodiversity net gain.

Reasons

Character and appearance

4. The appeal site is the rear garden of a two-storey end-of-terrace dwelling located on a prominent corner plot. The rear garden extends to the shared access and includes a shed. Although enclosed, the garden has a relatively open and spacious character due to its width and depth.
5. The surrounding area includes a mix of housing styles, though most nearby properties are two-storey terraces. While house footprints vary, the overall development pattern in the immediate area typically consists of long plots with

¹ Council Ref: 20240680

² Appeal Ref: APP/K2230/W/24/3354687

houses laid in a row, set a short distance back from the road. This layout allows for quite deep rear gardens, creating a more spacious feel behind the houses and offering visual relief from the otherwise dense continuous terraces. This is in common with the area context identified by the Inspector in the previous scheme.

6. The proposal would subdivide the existing rear garden to create a new plot, significantly reducing its size. Although both gardens would meet the Council's minimum standards in terms of area, they would be noticeably smaller than other nearby gardens. This would be at odds with the established pattern of development, which is characterised by long plots and deep rear gardens.
7. Despite retaining some garden space, the placement of the proposed dwelling would erode the existing sense of openness and spaciousness. Due to its length and width, it would occupy a substantial proportion of the plot. Although the scale and massing have been reduced from the previous scheme, the footprint-to-plot ratio of the proposed dwelling would be very different to its neighbours. Given this, and because of its closeness to the side boundaries and relatively small garden size for this context, the proposed dwelling would appear cramped in the plot.
8. The character of the appeal site would change significantly from a modest shed within a spacious rear garden to a separate dwelling with its own access and garden. During my site visit, I observed that buildings in neighbouring rear gardens are typically limited to outbuildings or garages. I found no specific examples, nor does the evidence direct to any, where rear gardens in the immediate locality appear to have been subdivided for separate residential development.
9. As hipped roofs are present in the area, the proposed roof design would be acceptable. Notwithstanding this, the proposed dwelling would have a distinctly domestic appearance rather than resembling an outbuilding or garage. Given its open location, it would appear as a standalone dwelling among two-storey houses, highlighting its discordant relationship with the rear street scene. Despite its subordinate scale relative to the existing dwelling, it would not integrate well into the local context. Although the proposed materials would match those found nearby, these design details would not sufficiently mitigate the visual harm.
10. For these reasons, I conclude that the proposal would cause harm to the character and appearance of the area and would therefore conflict with Policy CS19 of the Gravesham Local Plan Core Strategy 2014 (the Core Strategy). This policy, amongst other things, requires development to conserve and enhance the character of the local built environment and integrate well with the surrounding local area.

Living conditions for future occupiers

11. The proposed windows in the living space would be directly adjacent to the site boundary treatment, with only a relatively short distance between them. Some form of tall boundary treatment would likely be required to provide privacy in the garden. Views would be directed towards the boundary treatment at close range, creating a severely restricted outlook. The narrow garden depth would exacerbate this issue, and despite boundary-facing windows being common, the relationship here would result in a notably poor quality of outlook.
12. The appellant's assertions that the hipped roof form and low ridge of the proposed house would avoid overshadowing of internal rooms are not supported by any

technical measurements or calculations. Given the obstructions to the rear windows and in the absence of evidence of expected daylight levels in the proposed living space, I cannot be certain that there would be acceptable levels of light. This issue cannot be addressed through a planning condition, as the acceptability of daylight levels must be demonstrated before permission is granted. It therefore falls outside the scope of what a planning condition can resolve, in this instance.

13. The reduced footprint has resulted in a wider rear garden than in the previous scheme. Although it still falls short of the Council's length guidelines, it would be functional for typical garden use. The previous Inspector raised concerns about overlooking from neighbouring first-floor windows. However, in this close-knit setting, such overlooking is common and expected. In my view, the level of overlooking would be comparable to existing conditions, and the privacy of future occupiers would not be significantly compromised.
14. The proposed amenity space in terms of usability and privacy levels would be acceptable. However, for the reasons given above, I conclude that the proposal would not provide satisfactory living conditions for future occupiers, with regard to outlook and daylight. It would therefore conflict with Policy CS19 of the Core Strategy, which amongst other things, requires development to be located and designed to safeguard amenity of its occupants.

Biodiversity Net Gain (BNG)

15. There are discrepancies between the habitat types and areas listed in the statutory biodiversity metric and those in the BNG statement. While the appellant has indicated a willingness to secure off-site units or statutory credits, this cannot be properly assessed without first establishing the existing baseline to define the appropriate form and quality of biodiversity gain. This information is mandatory under Article 7(1A) of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended) and must be provided prior to the grant of planning permission.
16. It has therefore not been demonstrated that the proposal would deliver BNG. It conflicts with the statutory BNG requirements and Policy CS12 of the Core Strategy, which amongst other things, requires no net loss of biodiversity.

Other Matters

17. The appeal site is within 6km of the Thames Estuary and Marshes Special Protection Area (SPA) and Ramsar site of international importance for nature conservation and provides on passage, overwintering, and breeding habitat for birds. 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 SPA and Ramsar site.
18. As the competent decision-making authority, if I had been minded to allow the appeal it would have been necessary for me to complete an Appropriate Assessment for this scheme. However, as I am dismissing the appeal for other reasons, I have not taken the matter further.

19. The proposed dwelling would meet the Nationally Described Space Standards, would include refuse and cycle storage and sustainable design mechanisms could be secured by planning condition if the appeal were to succeed. The Council also raised no objections on heritage, environmental, or transport and highways grounds. However, compliance with relevant national and local planning policies on these matters would be required in any case. These are therefore neutral matters and neither weigh in favour nor against the appeal scheme.

Planning Balance

20. The Council has confirmed that it is currently unable to 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 clear reason for refusing the development proposed. Footnote 7 referred to in paragraph 11d) i. lists habitat sites which includes the SPA and Ramsar site.
21. The proposal would deliver one home in an accessible location, offering only a minor contribution to housing supply. Due to the quantum of development, the associated economic and social benefits would also be modest. However, the conflict with the development plan and the adverse impacts to the character and appearance of the area, the impact on the amenity of future occupiers, the failure to demonstrate the delivery of BNG, and the lack of mitigation having been secured for the SPA and Ramsar site, which collectively I have afforded considerable weight, would significantly and demonstrably outweigh the benefits outlined above.
22. The proposal would therefore conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict.

Conclusion

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

L Reid

INSPECTOR