



Appeal Decision

Site visit made on 31 March 2025

by J Pearce MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th April 2025

Appeal Ref: APP/K2230/D/24/3357133

6 Allington Close, Gravesend, Kent, DA12 2LS

- 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 Hayley Phippen against the decision of Gravesend Borough Council.
 - The application Ref is 20240714.
 - The development proposed is the erection of new porch and first floor side/rear extension. Conversion of garage into habitable room with alterations to fenestration.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of new porch and first floor side/rear extension. Conversion of garage into habitable room with alterations to fenestration at 6 Allington Close, Gravesend, Kent DA12 2LS in accordance with the terms of the application, Ref 20240714, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The external materials of the extension hereby permitted shall match those used in the existing dwelling.
 - 3) The development hereby permitted shall be carried out in accordance with drawing numbers: (P)001, (P)005 Revision P01, and 200.
 - 4) Notwithstanding the provisions of Class E of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no buildings etc incidental to the enjoyment of the dwellinghouse shall be constructed.

Main Issues

2. The main issues are:
 - the effect of the proposed development on the character and appearance of the area; and
 - whether suitable living conditions would be provided for the future occupants of No 6 Allington Close, with regard to private amenity space and outlook.

Reasons

Character and appearance

3. The appeal site comprises a two-storey semi-detached dwelling fronting Allington Close. Development in the area primarily fronts the roads and includes a staggered layout of buildings. The dwelling at the site has an attached garage to the side, which forms part of the boundary with a small parking court. The garage is set back from the front of the dwelling and element extends beyond the rear wall of the dwelling.
4. The proposal is for a first floor extension above the existing garage, which would be converted to provide additional living accommodation. The extension would be set back from the front of the dwelling and with its lower ridge height would be subservient to the main part of the dwelling. Whilst the extension would be offset from the main part of the dwelling, the proposal would retain the existing staggered layout and would reflect the layout of development in the area.
5. The proposal would present a two-storey wall towards the parking court to the side of the site. Nonetheless, the elevation would have a narrow span that would limit the expanse of brickwork facing towards the parking court and flats. Moreover, the proposal would include similar detailing within the brickwork to that used in the existing dwelling that would break up, and add interest to, the elevation.
6. The Council has raised concern that, if I were to allow the appeal, the proposal would set a precedent for similar development. Nonetheless, each proposal should be considered on its individual merits and with appropriate regard to the development plan and any material considerations.
7. I conclude that the proposal would not harm the character and appearance of the area. The development therefore accords with Policy CS19 of the Gravesham Local Plan Core Strategy 2014 (CS), which requires that new development will be visually attractive, fit for purpose and locally distinctive, and the National Planning Policy Framework (the Framework), which requires that development is visually attractive and sympathetic to local character.

Living conditions

8. Policy CS19 of the CS requires that new development will provide appropriate levels of private and public amenity space. The policy also requires that the design and layout of new residential development will accord with the adopted Residential Layout Guidelines Supplementary Planning Guidance 2 amended 2020 (SPG2). The SPG2 sets out the guidance for private amenity space for new and extended dwellings. There is no indication that the SPG2 has been formally prepared, including whether any consultation has been carried out, and has the status of a Supplementary Planning Document. Nevertheless, the SPG2 is a useful starting point for the provision of garden areas for new dwellings. For a three-bedroom dwelling, the guidance requires a minimum garden area of 60 square metres.
9. The Council note that the site would retain a garden area of 38.97 square metres, which is below the guideline set out in the SPG2. The garden would be of a size commensurate with those of the surrounding properties, which are within an urban environment where external space is more limited. Furthermore, the garden would retain a functional layout that would provide adequate and usable space for future

occupants, including for clothes drying and leisure use. In addition, the appellant has provided details of open spaces in the area, including one a short distance from the site at Lodding Salts Road. The proximity of the open spaces in combination with the retained garden area would provide occupants with an adequate level of private and public amenity space.

10. The existing dwelling has a window at first floor window within the rear elevation serving a bedroom. The proposed first floor extension would project beyond the rear elevation of the main part of the dwelling. The depth of the extension would lead to a reduction in the outlook for the occupants of the existing bedroom. Nonetheless, the limited protrusion of the extension and the orientation of the dwelling would restrict the effect of the extension, which would not appear overbearing from the first floor window.
11. I conclude that the proposal would provide suitable living conditions for the future occupants of No 6 Allington Close, with regard to private amenity space and outlook. The development therefore accords with Policy CS19 of the CS, as set out above, and the Framework, which seeks to create a high standard of amenity for existing and future users.

Conditions

12. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans. This is in the interests of certainty.
13. In order to protect the character and appearance of the area, I have also imposed a condition requiring the external materials to be used to match those used in the existing dwelling.
14. The removal of permitted development rights should only be used in exceptional circumstances. In this instance, the justification to safeguard the private amenity space comprises an exceptional circumstance which supports the removal of permitted development rights in respect of outbuildings.
15. The Council has suggested conditions removing permitted development rights under Class A and Class G to ensure that no windows, doors or other openings shall be formed in the flank elevations of the extension. The reason stated is to protect the amenity and privacy of the occupants of neighbouring properties. Nevertheless, the provisions of Class A include a requirement for upper-floor windows in a wall forming a side elevation to be obscure-glazed and non-opening, and this would adequately safeguard the amenity and privacy of the occupants of neighbouring properties. Class G relates to chimneys and flues, and it is therefore unnecessary to remove permitted development rights for this.

Conclusion

16. For the reasons given above the appeal should be allowed.

J Pearce

INSPECTOR