



Delegated Report

Full Planning Application

Planning Application No: 20260506

Location: 34 Overcliffe Gravesend Kent DA11 0EN

Description: Erection of a first and second floor side extension to create 4 No. self contained HMO rooms.

Applicant: Breley Design Ltd

Site Visit Date: Desktop Assessment

Submitted Documents/Plans

Planning Application Form;
Drawing No. 1597-01 – Existing Floor Plans;
Drawing No. 1597-02 – Existing Elevations and Draft Section;
Drawing No. 1597-03 – Location Plan;
Drawing No. 1597-1-01 – Proposed Floor Plans;
Drawing No. 1597-1-02 – Proposed Elevations Option 1; and
Drawing No. 1597-1-03 – Existing and Proposed Block Plan.

Relevant Planning History

Reference	Description	Decision	Decision Date
20260505	Application for a Proposed Lawful Development Certificate; loft conversion to create 1 no. self contained HMO room and drying room. Dormer to rear elevation, 3 no. roof lights to front elevation and alterations to fenestration.	Certificate Refused	13.07.2026
19870222	Conversion of basement area into 4 self contained flats formation of new access onto Lennox Rd and formation of car parking area at rear of 35 Overcliffe	Permitted	04.09.1987

Development Plan

Gravesham Local Plan Core Strategy (2014)

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS12 – Green Infrastructure
- CS14 – Housing Type and Size
- CS15 – Housing Density
- CS18 – Climate Change
- CS19 – Development & Design Principles
- CS20 – Heritage and the Historic Environment

Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards
- TC3 – Development Affecting Conservation Areas

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 8 – Promoting Healthy and Safe Communities
- Section 9 – Promoting Sustainable Transport
- Section 12 – Achieving Well-Designed Places
- Section 16 – Conserving and Enhancing the Historic 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)
- Overcliffe Conservation Area Character Appraisal (2009)
- Northfleet Conservation Areas Management Plan (2009)
- GBC Guidance for HMO Amenity Standards (2025 as amended)

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) which states that, with respect to buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

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

GBC Conservation Officer

No comments received.

Neighbouring properties

The application was advertised by the displaying of a site notice, press notice and individual letters sent to 19 surrounding properties with an overall expiry date of 26th June 2026. Five objections have been received making the following summarised comments;

- Parking – doesn't accord with KCC Parking Standards
- Conservation Area
- Extra bins – resulting in less parking
- Noise and Disturbance
- Anti-social behaviour (existing) – would intensify
- Insufficient bin storage, lighting and CCTV
- Safety
- Out of character with neighbouring properties
- Already overcrowded
- Intensification of use – additional noise and disturbance
- Footpath missing from plans
- Existing health and security concerns
- Overlooking to bungalow – loss of privacy

Officer's Analysis

Background

As the planning history shows, a recent lawful development certificate was refused for a '*loft conversion to create 1 no. self contained HMO room and drying room. Dormer to rear elevation, 3 no. roof lights to front elevation and alterations to fenestration.*'

This certificate was refused for the following reason;

1. *The Local Planning Authority considers that as the existing property is operating as a Sui Generis use (large HMO) without the benefit of planning permission. The proposed development for the rear dormers includes the provision of an additional HMO room which constitutes development and planning permission is required.*

Within the officer assessment of this lawful development certificate application, it was stated that;

"Although the proposed rear dormer and front rooflights would fall within the parameters to be considered a lawful alteration to a dwellinghouse, the application property does not benefit from planning permission to operate as a sui generis HMO. Whilst the submitted application form states that the existing use of the building is a sui generis HMO, there is no planning history confirming that this the lawful use of the building. As such, the proposal would result in an additional HMO room and looking at the LPA's License Register states that the occupancy of the property was last used for 23 persons and the current proposal would result in one additional room. This would exceed the maximum of 6 occupants allowed and as such would not comply with the limits set out in Schedule 2, Part 3, Class L of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Therefore, planning permission is required."

The same assessment applies to the current application. Whilst the submitted application form identifies the existing use of the property as a Sui Generis House in Multiple Occupation (HMO), there is no relevant planning history or planning permission on record to substantiate this use. In the absence of evidence demonstrating that the HMO use has been lawfully established, the Local Planning Authority is unable to conclude that the property benefits from a lawful Sui Generis HMO use. On the information available, the property therefore appears to be operating as an unauthorised HMO.

Consequently, the current application has been assessed on the basis that no lawful planning status for the existing HMO use has been demonstrated.

Site Description

The application site comprises a substantial three-storey detached dwelling located within the urban area of Gravesend in a predominantly residential locality. The property lies within the designated Overcliffe Conservation Area, where special attention must be paid to preserving or enhancing the area's character and appearance.

In addition, the site falls within an Archaeological Notification Area, reflecting its potential archaeological interest. The property is also subject to an Article 4 Direction (Ref. AR/08/04), which removes certain permitted development rights in order to safeguard the character and appearance of the Conservation Area and to ensure that alterations and extensions are subject to planning control.

Application Property



Proposal

The application seeks planning permission for the erection of a first and second-floor side extension above the existing single-storey western side projection to facilitate the creation of four additional HMO rooms.

The extension would be constructed directly above the existing side addition and would align with the front, side and rear elevations of the projection below. The proposed structure would measure approximately 5.1m in height from the roof level of the existing single-storey extension to the eaves and 5.9m to the top of the flat roof. The design incorporates a flat roof concealed behind a false pitched roof feature.

External finishing materials are proposed to comprise facing brickwork, render, concrete roof tiles and uPVC windows, all intended to match the appearance of the existing property.

Internally, the development would provide four additional HMO rooms, each benefiting from its own en-suite shower room and kitchenette facilities, thereby providing a self-contained form of accommodation within the existing property.

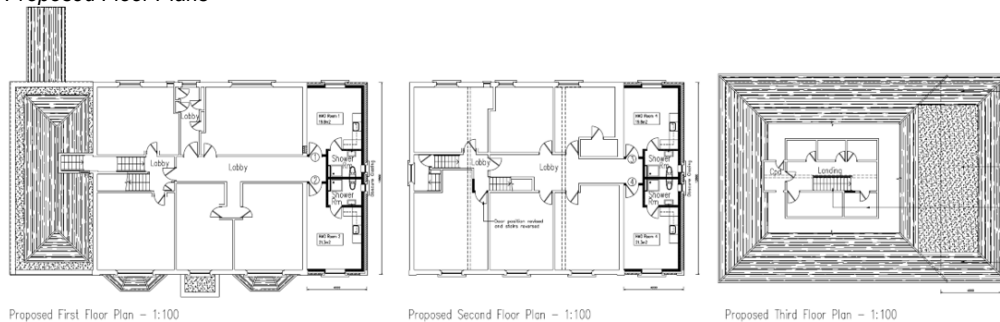
Existing Elevations



Proposed Elevations



Proposed Floor Plans



Principle of Development

The site is located within the urban boundary of Gravesend. Policy CS02 (Scale and Distribution of Development) of the Gravesham Local Plan Core Strategy (LPCS) (2014) identifies first tier settlements, including Gravesend as the most sustainable parts of the borough.

The application site is located in the Overcliffe Conservation Area. As such, a key consideration in this application will be whether the proposal would preserve or enhance the character and appearance of the Overcliffe Conservation Area.

The principle considerations in the assessment of this application are:

- Design and Character and Impact on Conservation Area
- Amenity of Future Occupiers
- Neighbouring Amenity
- Parking and Highways
- Any Other Material Planning Considerations

Design, Character and Appearance and Impact on the Conservation Area

Development Plan policy places considerable emphasis on the importance of achieving high quality, beautiful and sustainable buildings and places. Paragraph 135 of the NPPF (2024) 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 (LPCS) reflects these aims and requires that new development is well designed and respects the character and appearance of the surrounding area.

The NPPF (2024) also places great significance on the desirability of sustaining and enhancing heritage assets, and on new development making a positive contribution to local character and distinctiveness (paragraph 219). This is echoed in Policy CS20 (LPCS), which states that the significance of the Borough's heritage assets and their setting should always be preserved or enhanced.

Saved Policy TC3 (LPFR) states that development is expected to make a positive contribution to the Conservation Area. As the application site lies within the Overcliffe Conservation Area, these policies are all relevant to the consideration of this application.

Whilst it is recognised that the proposal would extend the existing property to provide four additional HMO rooms, such development must nevertheless be of a high standard of design, preserve the significance of heritage assets, safeguard and where possible enhance the environment, and accord with the relevant policies of the Local Plan and the National Planning Policy Framework (NPPF, 2024). In this regard, paragraphs 131 and 135 of the NPPF (2024) are particularly relevant. These paragraphs emphasise that planning decisions should ensure developments are of a high quality, beautiful and sustainable design,

recognising that good design is a fundamental aspect of sustainable development. Development should function well, add to the overall quality of an area over its lifetime, and be sympathetic to local character, history and context, including the surrounding built environment.

The Overcliffe Conservation Appraisal highlights that *“The south side of Overcliffe is lined with large villas, typically arranged in paired form and set in spacious grounds. Houses are set back from the pavement behind large front gardens, which further contributes to the wide, open appearance of the road.”* In paragraph 5.2 it specifically relates to the relationship of buildings to spaces and highlights that *“The largest buildings set in extensive grounds are those which line the south side of Overcliffe. These groups of semi-detached villas were originally built with gaps between each pair of houses, however many of these gaps have since been infilled with single-storey side extensions, removing former views through to rear gardens.”* The Appraisal specifically includes the application property (being Nos 8 to 36) in key unlisted buildings which are *“good examples of relatively unaltered historic buildings where their style, detailing and building materials provides the streetscape with interest and variety. Most importantly, they make a positive contribution to the special interest of the Conservation Area.”*

The proposed development comprises a substantial two-storey extension above the existing historic single-storey side addition. The extension has not been adequately set back from, or inset within, the footprint of the existing single-storey element and consequently fails to appear subservient to the host dwelling. Furthermore, the proposed flat roof design, together with the artificial pitched roof form, neither respects nor enhances the architectural character and appearance of the existing property.

By reason of its scale, massing and siting, the extension would significantly reduce the open gap between the application property and the adjacent property at No. 35. This gap forms an important component of the spacious character of the area and its erosion would directly conflict with the character assessment contained within the Overcliffe Conservation Area Appraisal. In addition, the host dwelling has historically been altered through single-storey side extensions on both sides, and the proposed enlargement of the western side would create an unbalanced and visually discordant form of development.

The proposal would therefore result in a poorly designed and incongruous addition that would disrupt the harmonious character of the streetscene, fail to respect the proportions, form and architectural composition of the host dwelling, and would fail to preserve or enhance the character or appearance of the Overcliffe Conservation Area. Accordingly, the proposal conflicts with the statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) and is contrary to Policies CS19 and CS20 of the Gravesham Local Plan Core Strategy (2014), saved Policy TC3 of the Gravesham Local Plan First Review (1994), and Chapters 12 and 16 of the National Planning Policy Framework (2024).

Amenity of Future Occupiers

Policy CS19 of the Gravesham Local Plan Core Strategy (2014) requires all development to be well designed, fit for purpose and adaptable to meet the needs of users. The policy further requires that the design and layout of new residential development, including conversions, accords with the adopted Residential Layout Guidelines (2020). In addition, the Government's Written Ministerial Statement of 25 March 2015 introduced nationally described space standards, which came into effect on 1 October 2015 and are a material consideration in assessing the quality of residential accommodation.

The proposal seeks to provide four additional HMO letting rooms, each benefitting from its own en-suite bathroom and kitchenette facilities. Whilst the Nationally Described Space Standards do not specifically apply to Houses in Multiple Occupation, the Gravesham Guidance for HMO Amenity Standards sets out a minimum floor area of 13m² for a single-person unit and 20.5m² for a two-person unit. All four proposed rooms exceed the minimum floor area required for single occupancy, with two rooms exceeding the minimum standard for double occupancy. Furthermore, each room would benefit from adequate levels of natural light, outlook and ventilation, thereby providing a satisfactory standard of accommodation for future occupiers.

Taking these matters into account, it is considered that the proposed additional HMO accommodation

would provide an acceptable standard of residential amenity and would accord with the requirements of Policy CS19 of the Gravesham Local Plan Core Strategy (2014) and Chapter 12 of the National Planning Policy Framework (2024).

Neighbouring Amenity

Policy CS19 of the Gravesham Local Plan Core Strategy (2014) seeks to safeguard the amenity of existing and future occupiers and ensure that development provides acceptable living conditions. Similarly, Chapter 12 of the National Planning Policy Framework (2024) promotes well-designed places that function effectively, support a high quality of life, and secure a good standard of amenity for all existing and future users.

A number of representations have been received from neighbouring residents objecting to the proposal, the details of which are summarised earlier in this report. The principal concerns relate to the perceived intensification of the use, increased noise and disturbance, and parking pressures. Matters relating to parking and highway impacts are considered separately within the relevant section of this report.

In terms of residential amenity, the proposed extension would not project beyond the existing rear building line and would therefore not result in any additional overbearing impact, loss of outlook, or overshadowing when compared to the existing situation. The proposed habitable room windows would be located on the front and rear elevations only, resulting in views that are broadly consistent with those already available from the existing property. The proposed side-facing windows would serve en-suite facilities and, should planning permission be granted, could be secured by condition to be fitted with obscure glazing and maintained as such thereafter.

With specific regard to the neighbouring property at No. 35, the adjoining dwelling benefits only from a third-floor gable window on the elevation facing the application site. Given the position and relationship of the proposed extension to this opening, it is not considered that the development would result in any material loss of light, outlook or privacy to the occupants of that property. Accordingly, the proposal is not considered to give rise to any unacceptable impact through overshadowing, loss of outlook, overbearing effect, or overlooking.

Concerns have also been raised regarding potential increases in noise and disturbance arising from the development. Whilst the proposal would provide four additional HMO rooms, these would form part of an existing use within a predominantly residential area. Furthermore, there is no evidence before the Local Planning Authority to indicate that the existing use has generated noise complaints or other substantiated amenity issues. On this basis, it is not considered that the proposed increase in accommodation would result in a level of activity that would materially harm the living conditions of neighbouring occupiers.

Overall, the proposed development is not considered to result in any significant adverse impact on the amenities of neighbouring properties and is therefore considered to accord with Policy CS19 of the Gravesham Local Plan Core Strategy (2014) and Chapter 12 of the National Planning Policy Framework (2024).

Parking and Highways

The site occupies a highly sustainable location in close proximity to Gravesend Town Centre and is situated on a principal public transport corridor with good access to local services, facilities and public transport options. The property also benefits from an existing car parking area to the rear.

Whilst the proposal would result in the creation of four additional HMO bedrooms, the site's sustainable location significantly reduces reliance on the private car. As such, the proposal is not considered likely to generate a level of additional parking demand that would result in severe impacts on on-street parking conditions or the safe and efficient operation of the local highway network. Furthermore, secure and covered cycle parking could, had permission been forthcoming, have been secured by planning condition to encourage sustainable modes of travel.

Commented [AC1]: Emailed EP to check this and most complaints are regarding the poor storage of waste.

A number of neighbouring residents have raised concerns regarding existing parking pressures within the area. Whilst these concerns are acknowledged, there is insufficient evidence to demonstrate that the proposed development would give rise to a material worsening of parking conditions. Given the site's accessibility and proximity to services and public transport, a reduced level of parking provision, including a car-free form of development, is considered acceptable in this location.

Taking all relevant considerations into account, the proposal is not considered to result in any unacceptable impact on parking provision, highway safety or the operation of the local road network. The development is therefore considered to accord with Gravesham's SPG4, Policy CS11 (LPCS) and Section 9 of the NPPF (2024).

Any Other Material Planning Considerations

Waste Management

Policy CS19 of the Gravesham Local Plan Core Strategy (2014) requires development proposals to make appropriate provision for the storage and collection of refuse and recyclable materials in order to ensure that satisfactory standards of amenity and waste management are maintained.

The proposal would provide four additional HMO rooms and would therefore increase the volume of waste and recycling generated at the property. Whilst additional refuse and recycling has not been submitted as part of the application, it is considered that the site is capable of accommodating additional refuse storage facilities. Had planning permission been forthcoming, full details of refuse and recycling storage, including the location, capacity and design of the facilities, could have been secured by way of a planning condition.

Subject to the provision of suitable refuse and recycling storage, the proposed development is considered capable of complying with the requirements of Policy CS19 of the Gravesham Local Plan Core Strategy (2014). Therefore, the proposal is acceptable in this regard.

Recreational Pressures on the Thames Estuary and Marshes Special Protection Area (SPA) and SAMMS

The Thames Estuary and Marshes Ramsar site and Special Protection Area (SPA) are internationally important for nature conservation as the area is a wetland and supports important numbers of wintering water birds and migrating birds. There has been a decline in the number of birds using these sites in recent years. Studies show that this could be due to people using the estuary and marshes for recreation purposes. The North Kent Bird Disturbance Report concludes that all new housing development within 6km of the North Kent Ramsar Sites or Special Protection Areas (including the Thames Estuary and Marshes) and larger housing development beyond 6km from the sites could have an adverse impact on them. This is because new housing development is likely to lead to further increases in recreational use of the sites, which means that further declines in the bird population cannot be ruled out. Possible mitigation measures are set out in the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring Strategy. Having considered a number of options, the Council have decided to impose a tariff on new housing development. Developers will need to pay £350.16 per net increase in bedrooms provided within 6km of the Ramsar site and SPA and for larger housing developments beyond 6km from them. The money raised will be used to pay for schemes to avoid the adverse impacts of new housing development on the birds.

In this instance, the proposed development would result in the creation of an additional residential properties and as such, additional recreational activity would result. Therefore, it is considered that there would be an adverse impact to the Thames Estuary and Marshes Ramsar Buffer Zone, which should be mitigated in line with Policy CS12 (LPCS). In such cases the Borough Council has adopted a tariff that is payable for each new dwelling unit within 6km of the SPA/Ramsar site of £350.16 per new bedroom unit.

The applicant has not paid the SAMMS Mitigation Contribution Agreement for the new residential property and therefore has not met the requirements of the Habitat Regulations and Section 15 (specifically

paragraphs 192 and 193) of the NPPF (2024) and Policy CS12 (LPCS) (2014).

Biodiversity Net Gain

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.

The proposed development would involve the construction of an extension above an existing built form and would not result in the loss of any gardens, trees, vegetation or other habitat features of ecological value. As such, the proposal is not considered likely to give rise to any adverse impacts on biodiversity or ecological interests within the site.

Accordingly, the development would not result in a net loss of biodiversity and is therefore considered acceptable in this regard.

Conclusion

The proposed development would result in a poorly designed and incongruous addition that would disrupt the harmonious character of the streetscene, fail to respect the proportions, form and architectural composition of the host dwelling, and would fail to preserve or enhance the character or appearance of the Overcliffe Conservation Area. Accordingly, the proposal conflicts with the statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) and is contrary to Policies CS19 and CS20 of the Gravesham Local Plan Core Strategy (2014), saved Policy TC3 of the Gravesham Local Plan First Review (1994), and Chapters 12 and 16 of the National Planning Policy Framework (2024).

The applicant has failed to provide any ecological evidence to confirm protection of notable species or inform a habitat regulations assessment to address the impact of the proposed development on the Thames Estuary and Marshes Ramsar site and Special Protection Area (SPA) or offered a financial contribution towards the identified mitigation measures to address the impact of the development on the SPA/Ramsar site. The proposal is therefore contrary to Policy CS12 (Green Infrastructure) of the Gravesham Local Plan Core Strategy (2014) which seeks to ensure that detrimental effects on the integrity of SPA/Ramsar sites are avoided, and also contrary to Paragraphs 192 and 193 of the National Planning Policy Framework (2024), and the requirements of the Conservation of Habitats and Species Regulations 2017.

Recommendation

Refusal

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

Case Officer:	Ms Amanda Cue	Team Leader:	Richard Hart
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Signed:	<i>A Cue</i>	Signed:	<i>R Hart</i>
Dated:	3 rd August 2026	Dated:	4th August 2026