



Delegated Report

Planning Application

Planning Application No: 20251252

Location: 2 Pelham Road Gravesend Kent DA11 0HW

Description: Erection of two-storey rear extension and subdivision of dwelling into 5x one bed flats.

Applicant: Mr I Singh

Site Visit Date: 16 January 2026

Submitted Documents/Plans

- Application form;
- Location Plan (un-numbered);
- Drawing no. 25091TS-PP-01-EP-A1 – Existing Floor Plans;
- Drawing no. 25091TS-PP-02-EE-A1 – Existing Elevations;
- Drawing no. 25091TS-PP-03-PP-A1 – Proposed Floor Plans;
- Drawing no. 25091TS-PP-C4-PE-A1 – Proposed Elevations;
- Drawing no. 25091TS-PP-05 – Existing Block Plan;
- Drawing no. 25091TS-PP-06 – Proposed Block Plan;
- Drawing no. 25091TS-PP-07_RP-A1 –Existing & Proposed Roof Plan; and
- Design & Access Statement.

Relevant Planning History

Reference	Description	Decision	Decision Date
20251047	Works to trees in a Conservation Area; Removal of Sycamore Tree (T2), and Norway Maple (T3). Replanting with 2x Acer Campestre.	Consent tree works in Conservation Area	10.11.2025
20240940	Works to trees in a Conservation Area; T1 Lime Tree - Pollard to remove all branches back to the knuckles, T2 Sycamore Tree - Crown reduction to where the largest stem divides into three branches at approx. 3.5 to 4 meters above ground level, reduction of the smaller diameter stem to a similar height of 4 to 5 meters and cut back to a small side branch to lower the potential risk of uncontrolled failure and possible harm while maintaining the ecological value of the tree concerning the decay and cavities; and T3 Sycamore Tree - Reduce branches growing towards the house walls and roof to separate from the building of up to 2 meters.	Consent tree works in Conservation Area	15.11.2024
20140269	Conversion of a single dwelling into three self-contained one bed flats and a bedsit.	Permitted	08.08.2014
20050219	Conversion of dwelling into two self-contained flats, a	Permitted	27.05.2005

	maisonette and a bedsit.		
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Development Plan

Gravesham Local Plan Core Strategy (2014)

- CS01 – Sustainable Development
- CS02 – Scale and Distribution of Development
- CS11 - Transport
- CS12 – Green Infrastructure
- CS14 – Housing Type and Size
- CS15 – Housing Density
- CS18 – Climate Change
- CS19 – Design and Development Principles
- CS20 – Heritage and the Historic Environment

Gravesham Local Plan: First Review (1994)

- H5 – Increasing the Housing Stock by the Conversion of Existing Buildings
- P3 – Vehicle Parking Standards
- T1 – Impact of Development on Highway Network
- T5 - Impact of Development on Highway Network
- TC7 – Other Archaeological Sites

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.

Other Material Considerations

Section 72(1) of the Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

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 15 – Conserving and enhancing the natural environment
- Section 16 - Conserving and enhancing the historic environment

Supplementary Planning Guidance

- Pelham Road/The Avenue Conservation Area Character Appraisal (2009);
- Management Plan Gravesend's 19th Century Suburban Conservation Areas (2009);
- 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)

Consultations, Publicity and Representations

Consultees

No response from:

- GBC Conservation Officer
- GBC Waste & Recycling
- Ward Councillors

Neighbouring properties

7 surrounding properties were consulted plus site and press notices with an overall consultation expiry date of 06.02.2026 – three responses received the comments of which can be summarised as follows

Design, Character and Appearance including Heritage

- Scale, depth and massing of extension would not preserve or enhance the Conservation Area;
- Projects substantially further than neighbouring properties disrupting historic pattern of development at rear;
- Should ask for a Heritage Statement;
- Extensive works have been carried out, the 5 units may have already commenced;
- Two trees were removed to pave way for this extension, should plant more trees
- Does not think there is room in the yard for the extension, yard already crowded with vehicles and bins;
- Bins are not stored in the bins down the sideway as suggested in proposed block plan, they store them in the yard;
- After the extension the smaller remaining yard would not be big enough for two cars plus bins for 5 properties, resulting in bins on pavement;

Neighbouring Amenity

- Significant loss of light to their property harmful to their living spaces and garden;
- Overbearing, enclosing and loss of outlook to their property;
- Should ask for a BRE Daylight & Sunlight Assessment
- Would block light from the neighbours and be clearly overbuilt when compared to neighbouring properties;

Non-material planning considerations

- Owners are not concerned about maintenance of property; and
- Back garden is a tip.

Officer's Analysis

The application site consists of a two storey end of terraced dwelling situated on the south eastern side of Pelham Road to south of the grassed area at the junction with Darnley Road. The site is located in the Pelham Road Conservation Area, an Area of Archaeological Potential, Thames Estuary and Marshes Ramsar Buffer Zone and the Nine Elms Historic Landfill Site Buffer Zone.





The proposal is for erection of a two storey rear extension and conversion of the building to 5 no. one bed flats. The extension would be 3.8m in depth, full width of the rear elevation (5.1m) and 8.6m in height to the top of the ridgeline of the pitched roof. The extension would have four windows in its rear elevation and none in either side elevation. It would be faced with matching bricks and tiles and windows would be uPVC. There would be brick banding continued from the existing dwelling across the rear and side elevations. For ease of reference the existing and proposed plans are as follows:

Block Plan

Existing



Proposed



Elevations

Existing



Proposed



Floor Plans

Existing



Proposed



The principle issues in the consideration of this application are as follows:

Housing Need

In *Hopkins Homes Ltd v Secretary of State for Communities and Local Government* [2017] 1 W.L.R. 1865, Lord Carnwath reemphasised that the National Planning Policy Framework is only a material consideration in planning decisions and that that planning applications should be determined in accordance with the development plan. Paragraph 12 of the NPPF expressly states that the starting point for decision-making is the development plan. Lord Carnwath as part of the Supreme Court decision stated,

"It is important, however, in assessing the effect of the Framework, not to overstate the scope of this policy-making role. The Framework itself makes clear that as respects the determination of planning applications (by contrast with plan-making in which it has statutory recognition), it is no more than "guidance" and as such a "material consideration" for the purposes of section 70(2) of the 1990 Act... It cannot, and does not purport to, displace the primacy given by the statute and policy to the statutory development plan. It must be exercised consistently with, and not so as to displace or distort, the statutory scheme."

It is a matter of law that all planning applications need to be considered in accordance with the legislation and relevant policy that applies at the point a decision is taken. The Council published a revised 5 year housing land supply statement in February 2025, it demonstrates that based on data up for the period 2024-2029, the Council can only demonstrate a land supply of 3 years.

Given the Council's current inability to demonstrate a 5-year housing land supply, and as the delivery of housing was substantially below (less than 75%) that required by the Housing Delivery Test, the housing delivery element of Gravesham's Local Plan Core Strategy (LPCS) (2014) Policy CS02 must be regarded to be out of date, as required by the Paragraph 11(d) of the National Planning Policy Framework (NPPF) (2024). This requires that in regard to housing development, planning permission should be granted unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

In the Gravesham context, the policies referred to in paragraph 11(d)(i) above are those set out in the NPPF at footnote 7 (rather than those in development plans) relating to any of the following:

- Habitats sites (and those sites listed in paragraph 194) and/or designated as Sites of Special Scientific Interest;
- Land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 75);
- and areas at risk of flooding or coastal change.

In determining applications for planning permission involving housing, the Council will therefore apply a weighted balance in favour of granting planning permission in accordance with relevant case law and guidance, having regard to the acceptability or otherwise of the proposals when evaluated against development plan policy, the need to make efficient use of land (paragraph 129(c)) in context, the relative contribution the proposal makes towards the alleviation of any shortfall in housing delivery at that time and any other considerations material to the proposed development.

The proposed development for a net increase of '4' residential units would offer a minimum contribution towards meeting this local need and, accordingly, officers considers that this should be accorded appropriate weight in support of the application. However, this has to be balanced against other requirements of the Development Plan and NPPF (2024) which requires new development to be high quality, beautiful and create acceptable living conditions for future occupiers.

Notwithstanding the Council's shortages in housing delivery and the consequent weight to be given in favour of the proposed development it is necessary to assess the proposals against the policies in the National Planning Policy Framework (NPPF) and established local planning policy taken as a whole.

Principle of Development

The application site consists of no. 2 Pelham Road which is located within the urban area of Gravesend.

Policy CS02 of the Gravesham Local Plan Core Strategy (2014) (LPCS) prioritises development in the urban area as a sustainable location and seeks to achieve this by promoting regeneration by prioritising redevelopment and recycling of underused, derelict and previously developed land, predominately in Opportunity Areas located within Gravesend and Northfleet.

Saved Policy H5 (LPFR) states that in considering proposals for the conversion of existing properties to provide flats, maisonettes, bedsitters, hostels, homes and other forms of multiple occupancy, the Borough Council will have regard to the following criteria:- (i) The building shall be in an appropriate area for conversion to flats, maisonettes, bedsitters and multiple occupancy. Unless there are special or overriding circumstances, conversions will not normally be permitted in an area comprised for the most part of single family dwellings. Conversely, conversions will not normally be permitted in areas which are environmentally unsuitable for young families and which already demonstrate a predominance of multiple occupation. (ii) The building shall be of such a size and arrangement as to be generally unsuitable for single family occupation. (iii) The proposal shall have regard to the Borough Council's Residential Layout Guidelines, as set out in supplementary planning guidance. (iv) The adopted Vehicle Parking Standards must be achieved wherever feasible.

There are a number of converted properties in Pelham Road in use as flats, HMO's etc therefore it is in a suitable area for conversion to flats.

The property as existing is two storeys and has five bedrooms. It is therefore considered that it is of a size and arrangement to be larger than family occupation. The matter of the internal size of the units and parking shall be discussed in the occupier amenity and parking and highways sections below.

The conversion and extension of this existing building in the urban area would therefore be acceptable in terms of the principle of the development subject to being acceptable in respect of internal space compliance and parking and highways. The proposal would also need to be acceptable in respect of all

other considerations which are discussed below.

Design, Character and Appearance including Heritage

As stated above, no. 2 Pelham Road is a two storey end of terrace dwelling which is the first dwelling on the south-eastern side just south of the grassed area which extends up to the junction with Darnley Road. The rear and north side elevations of the dwelling are therefore fully open to view and visible in the streetscene.

The site is located in the Pelham Road/The Avenue Conservation Area.

The Council's Householder Guidance states the following in respect of two storey rear extensions:

Two Storey and First Floor Rear Extensions

10.3 Two-storey rear extensions are often desirable as they create more space within a home, however they are not appropriate in all circumstances e.g. mid-terraced properties, and need to be carefully designed to avoid negatively impacting neighbouring properties. Proposals for two-storey rear extensions should consider the surrounding context, and ensure that:

- Depth: The extension does not dominate the original property. This can cause the site to appear overdeveloped, and cause long dark internal spaces to be formed. Extensions to extensions will generally not be supported.
- Height: two storey extensions can have very significant impact on neighbouring amenity, so should generally not be built up to site boundaries with neighbouring gardens / properties.
- Width: Extensions should not be of greater width than the original building.
- Design: Taller extensions are of greater visibility, and should incorporate roof designs to reflect, tie in with and not overwhelm the main property's roof. Patterns and proportions of windows should reflect the host building and local character.
- Materials: Using matching external materials and window / door frames is especially relevant for two storey extensions.
- Overlooking: Extensions should avoid inserting any flank windows, or involve raised platforms where they would allow new, or increased overlooking views into neighbouring gardens / properties.
- Light / Outlook: The 45 / 25 degree rule will be used to assess the impact of the extension on neighbouring light / outlook.
- Garden Space: Adequate garden area for the enlarged house should be retained following development.

The map from 1862-1875 on the Kent Historic Environment Record shows the property as follows:



It appears that the depth of the dwelling as it is now, is therefore the original depth. It can be seen that nos. 2 & 6 Pelham Road, the two end properties in the terrace had the same depth and the property in the centre no. 4 was of shorter depth which still remains the case today. As such the depth of the original dwelling was 17.6m, with the proposed two storey rear extension being 3.8m this would lead to an overall resultant depth of the dwelling of 21.4m which would all be at two storey level. A two storey rear extension at 3.8m is fairly deep and this would be added onto the original depth of the dwelling which is already very deep. With the existing dwelling being so deep already it is therefore considered that to add even more depth would overly dominate the property.

The extension would be built directly up to the neighbouring boundary (with no. 4 Pelham Road) on its south-western side and would be set in 1m from the north-eastern boundary on the other side which is the grassed area.

The extension would not be of greater width than the original building.

The proposed extension would have a pitched, hipped roof which the existing dwelling has. The ridgeline would be the same height as the ridgeline of the roof it would attach to, there would be a small area of the original roof beyond still visible. The proposal would change the orientation of the hipped roof at the end of the dwelling with the full hip on both sides whereas currently it is just on one. This would therefore be at odds with not only the host dwelling but also no. 6 Pelham Road which currently has the same roof design and would therefore also impact the wider terrace as a whole. With the rear of the property being so visible, this is not an issue that can be countered with the argument of limited visibility as is normally the case with a rear extension.

The proposed sash windows are in keeping with the existing fenestration.

The proposal would take up 3.8m depth from the area to the rear of the property. As the area to the rear will be used for parking it cannot be counted as garden space. Whilst the matter of garden space will principally be discussed in terms of occupier amenity below, it is considered that the proposal would contribute to a general overdeveloped nature to the plot. With the house at 17.6m in depth already, to add a 3.8m extension onto this resulting in a dwelling with a total depth of 21.4m which would then have an area of hardstanding for parking directly behind it, with no garden area to soften all this built form would lead to an overdeveloped character to the plot.

In summary, the proposed two storey rear extension is considered unacceptable in design terms due to its depth which would make the resultant overall depth of the dwelling significant. The extension would extend across the full depth of the rear elevation, be built directly up to one of the side boundaries and its ridgeline would be built in line with the ridgeline of the main dwelling; this would therefore leave very little of the

existing rear elevation still visible. Behind the extension would be a parking area and therefore this would become a site which would appear heavily dominated by built form and hardstanding with no relief in terms of soft landscaping. The proposal would therefore be harmful to the character and appearance of the host dwelling. Given the property currently has a mirrored appearance with no. 6 Pelham Road in terms of its depth and appearance of the rear elevation, the proposed extra depth would through this off-balance and therefore appear as an incongruous and harmful addition in respect of the character and appearance of the whole terrace. Furthermore, given that the rear and side elevation of no. 2 Pelham Road are fully visible from Darnley Road, the proposal would also cause greater harm outside of the dwelling itself and the terrace and would be harmful also to the streetscene and the character and appearance of the Pelham Road/The Avenue Conservation Area, which would not be preserved. This is considered even more unsatisfactory given that no. 2 Pelham Road forms the entrance to Pelham Road and the first property one sees when entering from the north.

Overall, the proposal in respect of design, character and appearance including heritage would be unacceptable and represents overdevelopment of the site. The proposed two storey rear extension by virtue of its depth, width, height, bulk, massing and design including the resultant overall depth of the dwelling would be an overly dominant addition which would be harmful to the character and appearance of the host dwelling, the wider terrace it is situated in, the streetscene and the Pelham Road/The Avenue Conservation Area. As such the proposal is contrary to Policies CS19 and CS20 (LPCS), saved Policy TC3 (LPFR) and sections 12 & 16 of the NPPF (2024).

Amenity of Future Occupiers

Flat sizes

The Technical Housing Standard (THS) (2015) set out the internal floor area required. In respect of these the below table sets out what each flat is and whether meets the relevant standard:

Flat	Internal floorspace (sq. m)	Technical Housing Standard (THS) (2015) internal floor area minimum size (sq. m)	Does it meet the THS minimum internal floor area? (sq. m)
Ground floor front (Studio, 2 persons, 1 storey) with shower	36.58	37	No (under by 0.42)
Ground floor rear (1 bedroom, 2 persons, 1 storey dwelling)	50.4	50	Yes
First floor front (1 bedroom, 2 persons, 1 storey dwelling)	39.94	50	No (under by 10.06)
First floor rear (1 bedroom, 2 persons, 1 storey dwelling)	47.5	50	No (under by 2.5)
Second floor (1 bedroom, 2 persons, 1 storey dwelling)	35.58	50	No (under by 14.42)

As can be seen, 4 out of the 5 flats would be undersized, some significantly, and the proposal would therefore provide unacceptable living conditions for future occupiers which would be harmful to their amenity. Given that there is a large two storey rear extension proposed to the building and four of the five flats which are proposed are undersized, this is considered even more unacceptable.

Bedroom sizes

The THS (2025) state that the minimum size for a double bedroom is 11.5 sq. m and a single is 7.5 sq. m. In respect of this the proposed bedrooms are as follows:

Flat	Internal floorspace of bedroom (sq. m)	Technical Housing Standard (THS) (2015) internal floor area minimum size (sq. m)	Does it meet the THS minimum internal floor area? (sq. m)
Ground floor front (Double bed shown but is the living area also)	20.2	11.5	Yes
Ground floor rear (Double)	15.4	11.5	Yes
First floor front (Double)	17	11.5	Yes
First floor rear (Double)	15.4	11.5	Yes
Second floor (Double)	16.3	11.5	Yes

As can be seen, all of the bedrooms would exceed the minimum standard.

Outlook, light, amenity, privacy, garden etc

All of the flats would have good natural light and outlook.

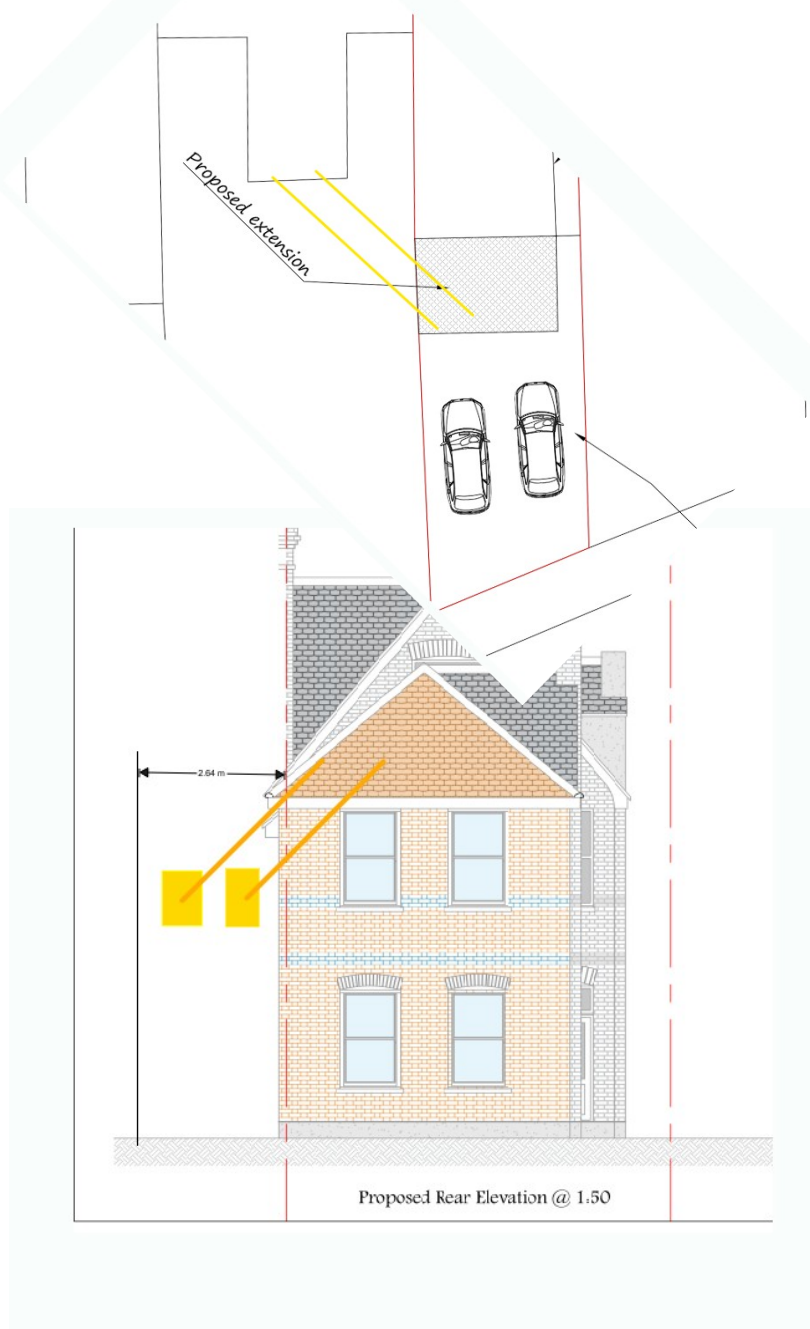
It is considered unacceptable for the future occupiers of the rear ground floor flat who would have all of the refuse bins for the 5 flats in the building directly outside their kitchen/living/dining room windows. This would likely lead to strong refuse odours and flies in hot weather etc. which would not be pleasant for future occupiers of this flat. Furthermore, the two ground floor bedroom windows of this flat would look directly onto the parking area for the development which would give rise to car lights directly beaming into their windows at night, noise from engines running, car doors slamming and people talking etc. This is not acceptable and would be harmful to future occupiers of this flat.

SPG2 (2020) states that there should be a minimum of 10 sq. m private amenity space for a flat. There is no external amenity area proposed at all and so this is not achieved however, there are public parks nearby including Woodlands Park and Riverside Leisure Area such that future occupiers would have access to external amenity space.

In summary, the proposal would provide extremely poor living conditions for future occupiers which would be harmful to their amenity by virtue of four of the five flats being undersized, and given the proximity of the ground floor rear flat to the refuse bins and the parking area would provide extremely poor living conditions for future occupiers, failing to safeguard their amenity. As such the proposal in respect of occupier amenity is contrary to Policy CS19 (LPCS) and paragraph 135(f) of the NPPF (2024).

Neighbouring Amenity

The neighbouring property to the south-west is no. 4 Pelham Road, the middle property in the terrace, and the proposed two storey rear extension would be built directly up to the boundary with no. 4. No. 2 due to its long depth already extends beyond the rear elevation of no. 4. No. 4 has a two storey rear extension (permitted under ref. 20120022). In the side elevation of the extension facing no. 2 there is a door serving a stairwell, a ground floor window serving a toilet and a first floor window serving a stairwell. These all currently experience overshadowing from no. 2 Pelham Road and are non-habitable rooms in any case. In the rear elevation there are two windows at ground floor level serving a kitchen and two windows at first floor level serving study/bedroom. These are habitable windows and the 45 degree test has been carried out from the windows in the rear of no. 4 on both plan and elevation and this is shown as follows:



This shows that the proposed extension would fail the 45 degree test at both ground and first floor levels on both plan and elevation thereby denoting that there would be overshadowing to the windows in the rear of no. 4. This would be harmful to the amenity and living conditions of existing and future occupiers of no. 4 Pelham Road.

There would be no windows in the south west flank elevation of the proposed extension therefore no overlooking to no. 4.

There would be a distance from the rear of the extension to the front of the properties in Darnley Road of some 25m therefore no overshadowing or overlooking to those properties.

In summary, the proposed two storey rear extension by virtue of its scale, bulk and massing would cause a harmful impact on no. 4 Pelham Road in respect of overshadowing, being overbearing and would generally be an unneighbourly extension. This would cause harm to the amenity and living conditions of existing and future occupiers of no. 4 Pelham Road and as such the proposal is contrary to Policy CS19 (LPCS) and paragraph 135(f) of the NPPF (2024).

Parking and Highways

Two vehicles are shown in the rear yard. SPG4 (2006) requires a maximum of 1 space per dwelling for 1 bedroom units. Given this and that the site is on the edge of the town centre it is considered that two parking spaces would be sufficient. In respect of parking and highways the proposal would therefore be compliant with saved Policy P3 (LPFR).

Ecology and Biodiversity

Biodiversity Net Gain

Biodiversity Net Gain (BNG) is a mandatory requirement for all new development and proposals must deliver a BNG of at least 10% unless they are exempt. In this instance, the applicant is stating on the application form under the BNG section that the proposal is subject to the de minimis exemption in that the proposal would impact less than 25 sq. m of onsite habitat as there is no on-site habitat.

It can be seen from the Google Street View image from November 2022 that there are two trees in the rear yard which have been removed which was carried out under consent granted in 2025 (ref. 20251047) for 'Works to trees in a Conservation Area; Removal of Sycamore Tree (T2), and Norway Maple (T3). Replanting with 2x Acer Campestre'. At the site visit for this current application however, it could be seen that there was one tree in the back garden with the rest all hardstanding (the tree is referred to as T1 Common Lime Tree in application ref. 20251047). It is therefore agreed that the proposal is subject to the de minimis exemption as it would impact less than 25 sq. m of onsite habitat, but it is not the case that there is no on-site habitat.

As well as the BNG section on the application form, it is also stated under the Trees & Hedges section that there are no trees on the proposed development site. The tree is not shown on the existing block plan. From the proposed block plan however, it is clear that the Common Lime tree would be removed as two parking spaces are shown in the rear garden and it would not be possible to park cars in the rear garden without removal of this tree. The tree is protected by virtue of being a Conservation Area. It appears the Acer Campestre' replacement trees required under application 20251047 have not been re-planted and they are not shown on the existing or proposed block plan in this application. No Arboricultural Report has been submitted with this application to demonstrate the condition of the tree or why it is proposed to be removed than for cars to park in the rear garden for this proposed development. The tree provides the only soft landscaping in the entire back garden and its removal would leave the whole of the rear garden with no soft landscaping at all, it would just all be hardstanding. No replacement planting is proposed, indeed as stated the existence of the Common Lime Tree is not even acknowledged in the application. As such, it is considered that insufficient information has been submitted to enable an assessment of the loss of this tree.

Thames Estuary and Marshes Special Protection Area (SPA)

The application site falls within 6km of the Thames Estuary and Marshes Special Protection Area (SPA) classified in accordance with the European Birds Directive which requires Member States to classify sites that are important for bird species listed on Annex 1 of the European Directive, which are rare and/or vulnerable in a European context, and also sites that form a critically important network for birds on migration. It is also listed as a Wetland of International Importance under the Ramsar Convention (Ramsar Site). Studies have shown marked declines in key bird species, particularly in areas that are busiest with recreational activity. Research conducted in 2011 found that additional dwellings were likely to result in additional recreational activity, causing disturbance to protected bird species that over-winter or breed on the SPA and Ramsar Site. The studies found that 75% of recreational visitors to the North Kent coast originate from within 6 km of the SPA boundary and Ramsar Site. The impacts of recreational disturbance can be such that they affect the status and distribution of key bird species and therefore act against the stated conservation objectives of the European Sites.

The Borough Council has mitigated out the impacts of this on each and every planning application for a

new residential development of one or more units within the 6km zone since September 2015 by accepting a Strategic Access Mitigation and Monitoring Strategy (SAMMS) (tariff) payment (currently £314.05 per dwelling). This approach is approved by Natural England for all new residential developments.

For every planning application for a new dwelling (including new flats) which does not require any other contributions to be secured through a s106 legal agreement or unilateral undertaking the tariff has been secured through a contribution agreement.

The tariff has been accepted effectively in lieu of an Appropriate Assessment (AA) under the Habitat Regulations and thus avoiding the need to progress into a full AA.

However a more recent Court of Justice European Union (CJEU) ruling means that this approach is now no longer valid and although the mitigation measures (in the form of a tariff payment) will still need to be made the first stage will be a screening assessment as to whether the development either alone or in combination, is likely to have significant effects on a designated site without mitigation. The CJEU sees a distinction between “the plan or project” itself and “measures intended to avoid or reduce the harmful effects of a plan or project on a European site”. This means that mitigation measures, which are intended to avoid or reduce effects, should be assessed within the framework of an AA and cannot be taken into account at the screening stage.

This proposal would result in the net addition of 4 units and the applicant has not paid the required tariff (£1349.96). The Local Planning Authority cannot therefore be satisfied that the proposal has put in place adequate measures to mitigate potential significant adverse effects on the Thames Estuary and Marshes SPA/Ramsar site.

In summary therefore, the proposal in respect of ecology and biodiversity is contrary to Policies CS12 & CS19 (LPCS) and paragraphs 193 and 194 of the NPPF (2024).

Land contamination

The site is located in the Nine Elms Historic Landfill Buffer Zone which raises contamination concerns. Should permission be forthcoming planning conditions are recommended to request details of a gas permeable membrane to be incorporated within the structure along with a ventilated sub-floor area and a second condition to be a watching brief for contamination. Subject to this the proposal would be acceptable in respect of land contamination and compliant with Policy CS19 (LPCS).

Archaeology

The site is located in an Area of Archaeological Potential. The proposal is for an extension to an existing building on the site. Given the developed nature of the plot already from when the dwelling was originally constructed it is considered that the proposed extension would not result in any harm to archaeology. In respect of archaeology the proposal is therefore considered compliant with saved Policy TC7 (LPFR).

Any Other Material Planning Considerations

Conclusion

The proposal would provide a net increase of 4 residential units on the site, it would be acceptable in respect of parking and highways, land contamination (subject to conditions) and archaeology. However, it would not be acceptable in respect of design, character and appearance including heritage, amenity of future occupiers, neighbouring amenity and ecology and biodiversity. As such the proposal is contrary to local and national planning policy.

Recommendation

Refusal

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

Case Officer:	Ms Rebecca Harrison	Team Leader:	Mrs Faye Walsh
Signed:	<i>Rebecca Harrison</i>	Signed:	<i>F Walsh</i>
Dated:	25th February 2026	Dated:	26 February 2026