



Delegated Report

Planning Application

Planning Application No: 20241066

Location: 258 Singlewell Road Gravesend Kent DA11 7RE

Description: Conversion of existing dwellinghouse into two separate dwellinghouses. Erection of two storey rear extension, alteration of roof including increase in height, rooflights in each side roof slope and dormer extension in each rear roof slope, single storey front extension and construction of vehicle access and hard paving of front garden.

Applicant: Mr Peter Chopra

Site Visit Date: Previous applications

Submitted Documents/Plans

- Application form;
- Drawing no. SR/PD/24/02 Rev. G – Existing Details;
- Drawing no. SR/PD/24/01 Rev. L – Proposed Details
- Strategic Access Management & Monitoring Strategy (SAMMS) Contribution Agreement;
- Self-Build Form;
- Planning Statement;
- Bat Scoping Report and Preliminary Ecological Appraisal; and
- Bat Scoping and Emergence Survey Report by The Ecology Co-op Issue Date 21 May 2025.

Relevant Planning History

Reference	Description	Decision	Decision Date
20240666	Conversion of existing dwellinghouse into two separate dwellinghouses. Erection of two storey rear extension, alteration of roof including increase in height, rooflights in each side roof slope and dormer extension in each rear roof slope, single storey front extension and construction of vehicle access and hard paving of front garden.	Refused	11.10.2024
20240235	Conversion of existing dwellinghouse into two separate dwellinghouses. Erection of two storey rear extension, alteration of roof including increase in height, rooflights in each side roof slope and dormer extension in each rear roof slope, single storey front extension and construction of vehicle access and hard paving of front garden.	Refused	10.06.2024
20210188	Erection of part single storey and part two storey rear extension, erection of a two storey front porch extension and an increase in ridge height of the main dwelling roof converting the loft space to provide playroom, study, and store with the insertion of roof lights.	Permitted	11.05.2021

20191058	Erection of part single storey and part two storey rear extension for additional living and bedroom accommodation; increase in ridge height of main dwelling roof with use of loft space to provide playroom, study and store and insertion of roof lights in rear and side roof slopes	Permitted	09.12.2019
20130606	Erection of part two storey and part single storey rear extension incorporating raising the ridge height of the roof by 500mm to form second reception room enlarged kitchen and gym at ground floor level with two bedrooms and enlarged bedroom at first floor level and playroom, study and store in roof space.	Permitted	07.10.2013
20130542	Application for the renewal of planning permission ref. no. 20130542 for the erection of part two storey and part single storey rear extension incorporating raised ridge on existing roof to provide second reception room, enlarged kitchen and gym at ground floor level with two bedrooms, enlarged bedroom and two ensuite shower room/wc's at first floor level with a playroom, study and store in the roof space.	Withdrawn	25.06.2013
20090384	Erection of part two storey and part single storey rear extension incorporating raised ridge on existing roof to provide second reception room, enlarged kitchen and gym at ground floor level with two bedrooms, enlarged bedroom and two ensuite shower room/wc's at first floor level with a playroom, study and store in the roof space.	Permitted	03.07.2009
20081063	Erection of two storey rear extension to form a playroom, second reception room and enlarged kitchen at ground floor level with two bedrooms and enlarged bedroom at first floor level and alterations to increase the height of the roof.	Refused	04.02.2009

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)

- P3 – Vehicle Parking Standards

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)
- SPG 4 – KCC Parking Standards (2006)
- Gravesham Householder Extensions/Alterations Design Guide (2021)
- Design for Gravesham – Design Code (2024)

Consultations, Publicity and Representations

Consultees

KCC Biodiversity

We advise that additional information is required prior to determination.

A preliminary ecological appraisal has been submitted and it has detailed that the building has low potential to support roosting bats and recommended that at least 1 emergence survey is required. The results of the surveys and details of any mitigation must be submitted prior to determination of the planning application to ensure that, if bats are present, GBC can fully consider the impact on bats when determining the planning application. This is in alignment with paragraph 99 of the Office of the Deputy Prime Minister (ODPM) Circular 06/20051 which states *“it is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision”*.

In addition, if present, as bat are also protected under the Conservation of Habitats and Species Regulations 2017 GBC will also have to consider the three tests. To do this the competent authority, to have regard to the requirements of the Habitats Directive in the exercise of their functions. As such, Choose an item. must consider whether it is likely that an EPSM Licence from Natural England will be granted, and in so doing must address the three tests when deciding whether to grant planning permission for the proposed development. The three tests are that:

1. Regulation 55(2)(e) states: a licence can be granted for the purposes of *“preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment”*.
2. Regulation 55(9)(a) states: the appropriate authority shall not grant a licence unless they are satisfied *“that there is no satisfactory alternative”*.
3. Regulation 55(9)(b) states: the appropriate authority shall not grant a licence unless they are satisfied *“that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.”*

We are only able to comment on test three; favourable conservation status. We advise until the emergence survey has been completed we are unable to advise on the third test.

We recommend that an Ecological Impact Assessment (EclA) is submitted and include the following:

- Details of the impacts of development proposals on the ecological baseline established via a Preliminary Roost Assessment (PRA) and the recommended emergence surveys;
- Details of any necessary and achievable ecological mitigation and/or compensation measures;
- Details of ecological enhancement measures, and;
- Provision of sufficient information to determine whether the project accords with relevant nature conservation policies and legislation.

To ensure that the planning determination is adequately informed in respect of all potential ecological impacts, we advise that the EcIA is sought prior to determination of the planning application.

The EcIA will also ensure alignment with the National Planning Policy Framework (NPPF) 2023 and the Natural Environment and Rural Communities Act (NERC) Act 2006. Under section 40 of the NERC Act 2006 and paragraphs 187 and 193 of the NPPF 2024 biodiversity should be maintained and enhanced through the planning system.

Biodiversity Net Gain

Under the Environment Act 2021, all minor planning applications in England submitted on or after the 2nd April 2024 will have to deliver at least a 10% biodiversity net gain (unless exempt^{2,3}). The application was submitted after the commencement of mandatory BNG.

Having reviewed proposals we note that the applicant considers the proposals to be exempt from mandatory biodiversity net gain, so that a mandatory biodiversity net gain of 10% will not apply. The applicant has stated that proposals meet the following criteria:

- consists of no more than 9 dwellings;
- on a site that has an area no larger than 0.5 hectares; and
- consists exclusively of dwellings that are self-build or custom housebuilding as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015

Section 1(A1) of the Self-build and Custom Housebuilding Act 2015 states: "*In this Act "self-build and custom housebuilding" means the building or completion by—*

- (a) individuals,*
- (b) associations of individuals, or*
- (c) persons working with or for individuals or associations of individuals, of houses to be occupied as homes by those individuals."*

Section 1(A2) states: "*But it does not include the building of a house on a plot acquired from a person who builds the house wholly or mainly to plans or specifications decided or offered by that person."*

It is not within our remit to verify that dwellings meet the definition of self-build or custom housebuilding as defined in the 2015 Act. Gravesham BC should satisfy itself that proposals meeting the definition and that biodiversity net gain does not apply.

Designated Sites

The development includes proposals for new dwellings within the zone of influence (ZOI) (6km) of the Thames Estuary and Marshes Special Protection Area (Special Protection Area) and its associated Wetland of International Importance under the Ramsar Convention (Ramsar Site).

Gravesham BC must consider the impact the proposal will have on these designated sites in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended) and the National Planning Policy Framework (NPPF) 2023

Gravesham BC will need to ensure that the proposals fully adhere to the agreed approach within the North Kent Strategic Access Management and Monitoring Strategy (SAMMS). This is to mitigate for additional recreational impacts on the designated sites and to ensure that adequate means are in place to secure the mitigation before first occupation.

A decision from the Court of Justice of the European Union has detailed that mitigation measures cannot be taken into account when carrying out a screening assessment to decide whether a full Appropriate Assessment is needed under the Habitats Directive. Therefore, we advise that due to the need for the application to contribute to the North Kent SAMMS, there is still a need for an appropriate assessment to be carried out as part of this application.

The applicant has confirmed that they will pay the SAMMS tariff.

KCC Heritage

The site lies within an area of multi-period archaeological potential. However, based on existing Historic Environment Record data for the area and the relatively limited extent of the proposed works, I consider it unlikely that these proposals would have a significant belowground archaeological impact and have no further comments to make in this case.

Neighbouring properties

6 surrounding properties were consulted – date of overall consultation expiry was 9 January – no responses received.

Officer's Analysis

The application site consists of a two-storey detached dwelling which is situated on the eastern side of Singlewell Road and which can be seen in the following photograph:



Planning permission was refused for 'Conversion of existing dwellinghouse into two separate dwellinghouses. Erection of two storey rear extension, alteration of roof including increase in height, rooflights in each side roof slope and dormer extension in each rear roof slope, single storey front extension and construction of vehicle access and hard paving of front garden' on 11 October 2024 under application ref. 20240666 on the following grounds:

1. The height and design of the proposed boundary wall, gates and railings would result in the development having a harmful impact on the character and appearance of the locality. The proposal would therefore be contrary to section 12 of the National Planning Policy Framework (2023) and Policy CS19 of the Gravesham Local Plan Core Strategy (2014).

2. The proposed development would make insufficient provision for safe access to, and egress from, the application site, leading to vehicles obstructing the free flow of traffic on Singlewell Road and drivers having poor visibility and presenting dangers to passing pedestrians. As such, the proposal would be detrimental to highway safety and contrary to section 9 of the National Planning Policy Framework (2023), Policy CS11 of the Gravesham Local Plan Core Strategy (2014), Saved Policy T5 of the Gravesham Local Plan First Review (1994), the KCC Dropped Kerb Guidance and Self-Assessment (2023), the Gravesham Borough Council Front Driveway Design Guidance (2023), Design for Gravesham (2024) and the Householder Extensions/Alterations Design Guide (2021).

3. Circular 06/2005 states that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by proposed development, is established before planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. Given that the proposal involves extensive works to the existing roof, there is a reasonable likelihood that European Protected Species (Bats) or other species are present on site and likely to be impacted by the proposals. The application has failed to provide adequate survey information to demonstrate whether these protected species are present on site and whether the proposal would be likely to harm the habitat of a protected species and if so what mitigation might be considered to address any harm. As such, the application is contrary to section 15 of the National Planning Policy Framework (2023) and Policy CS12 of the Gravesham Local Plan Core Strategy (2014).

The current proposal is for 'Conversion of existing dwellinghouse into two separate dwellinghouses. Erection of two storey rear extension, alteration of roof including increase in height, rooflights in each side roof slope and dormer extension in each rear roof slope, single storey front extension and construction of vehicle access and hard paving of front garden'.

It therefore needs to be assessed whether the proposal addresses the above three grounds of refusal and also whether it is acceptable in respect of all other matters.

The principle considerations for assessment in this application are:

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 March 2023, it demonstrates that based on data up for the period 2022-2027, the Council can only demonstrate a land supply of 2.9 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:

1. 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
2. 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 '1' residential unit would offer a minimum contribution towards meeting this local need and, accordingly, officers consider 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 Residential Development

The broad principle of the proposed residential development finds support in the NPPF (2024). Paragraph 61 is particularly relevant:

To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The overall aim should be to meet an area's identified housing need, including with an appropriate mix of housing types for the local community.

In addition, paragraph 73 (d) requires that in order to promote the development of a good mix of sites local planning authorities should, *inter alia*, "support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes".

The application site is defined on the Policies Map of the LPCS as lying within the urban area. Policy CS02 (LPCS) "prioritises development in the urban area as a sustainable location for development".

In light of these considerations, there is no objection to the broad principle of the conversion of this property to two residential dwellings subject to the proposal being appropriate in terms of other planning issues. Indeed, it should be noted that in the consideration of previous planning application refs. 20240235 & 20240666 no objection was raised to the principle of the proposed conversion.

Design, Character and Appearance

This matter related to ground of refusal no. 1 of previous application ref. 20240666.

Firstly, the proposed extensions and conversion are the same as proposed in previous application refs. 20240235 & 20240666. The delegated report for application ref. 20240235 sets out a detailed analysis of the design and visual impact of the proposed development in the context of the previous extensions that had been approved on this property. With reference to these permissions the report included the following analysis:

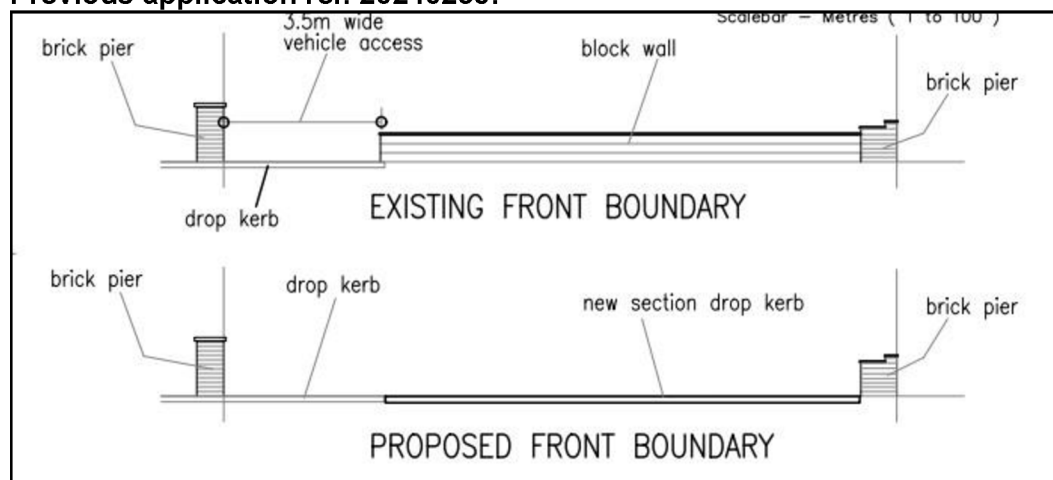
The proposed extension would therefore be 600mm greater at ground floor level and 1.8m greater at first floor level. Although the two storey rear extension would be larger the extension would not be significantly larger than what has already been approved under the previous permissions and it can be seen that it would still be in keeping with the scale and character of the host dwelling. The flat roof for the dwelling has already been permitted under all the previous permissions so no comment is given in regard to this. The rooflights proposed in the side roof slopes are the same as approved in application ref. 20130606. The two proposed dormers in the rear roof slopes are acceptable as they are modestly sized and acceptable design. The single storey front extension would be very modest in depth and with a mono pitched roof which is acceptable in scale and design.

Given that the details of the proposed extensions and conversion are identical to that proposed under previous application refs. 20240235 & 20240666, the above conclusions are equally applicable to this proposal. As such again the proposed extensions are considered acceptable in terms of its design, character and appearance.

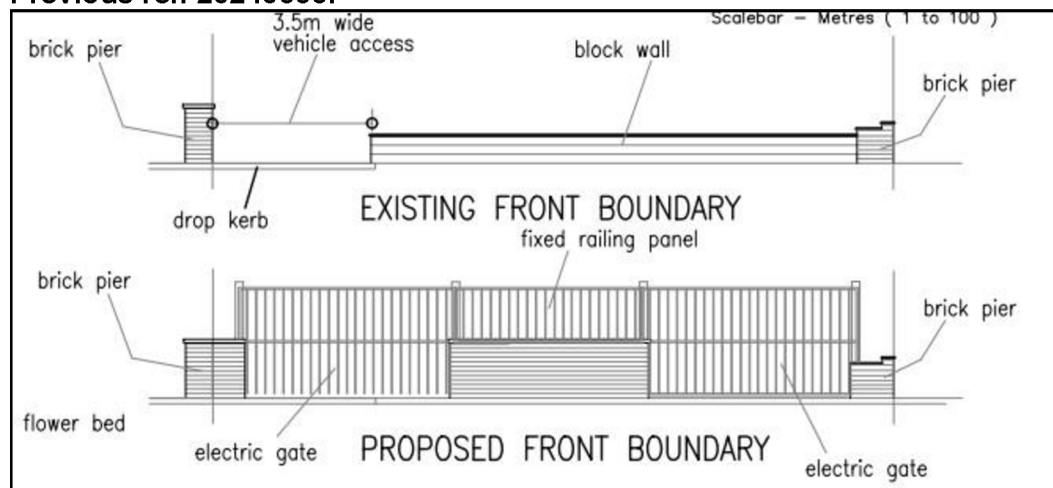
The issue in respect of design, character and appearance in previous application ref. 20240666 related to the front boundary treatment which was proposed.

In previous application ref. 20240235 it was proposed to remove the front boundary wall entirely. In previous application ref. 20240666 it was proposed to have a central section of front boundary wall with railings and electric gates. In this current application it is now proposed to retain a small section of the existing boundary wall in the centre. A visual comparison is shown below:

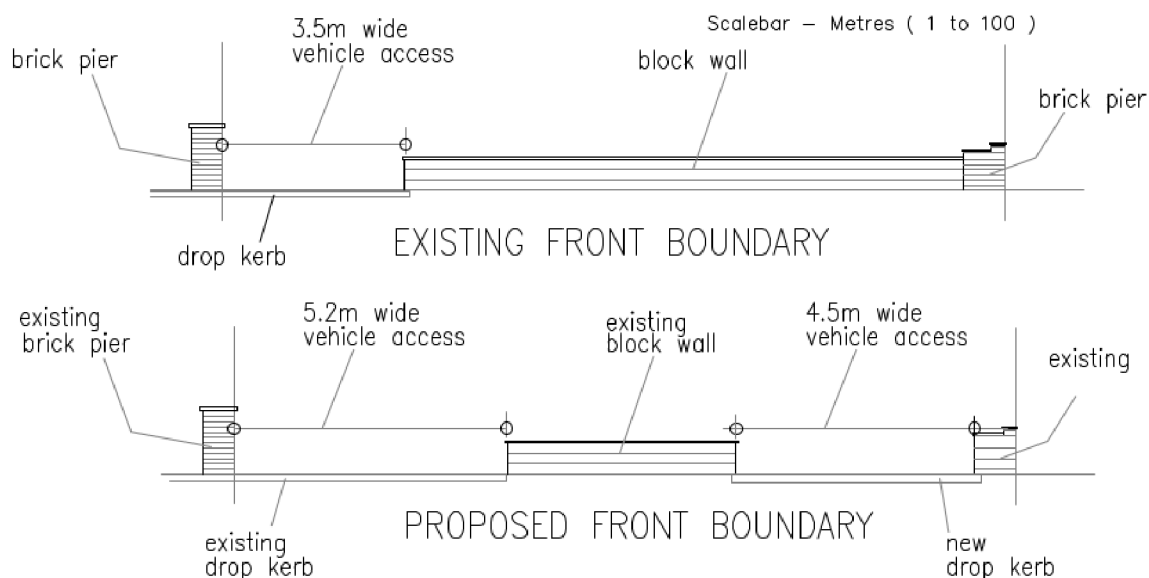
Previous application ref. 20240235:



Previous ref. 20240666:



Current application ref. 20241066:



In application ref. 20240235 it was considered unacceptable that the whole of the boundary treatment was to be removed. In application ref. 20240666 it was considered unacceptable that the wall, railings and gates that were proposed had a very commercial appearance due to their greater height and functional design. In this current application it is now proposed to retain a small amount of the existing wall in the centre with a widened crossover on one side and second crossover on the other resulting in parts of the wall being removed to install those widened and new crossovers.

As set out in the delegated report for previous application refs. 20240235 and 20240666 the frontages of properties in this locality tend to have an open and spacious appearance where low level boundary walls are a common feature which contribute to this feeling of spaciousness, with many examples of soft boundary treatments also including hedges.

The current proposal is an improvement on that proposed in previous application ref. 20240666 as the gates and railings are no longer proposed. The frontage would consist of a small section of low wall with an access either side. Given the proposal is for conversion of one property into two it is considered reasonable that each property would have its own access onto Singlewell Road (subject to highway safety which is considered below) and there would be a section of wall retained along with some areas of soft landscaping. It would be preferable for more of the existing wall to be retained but given the proposal is for two dwellings from the existing one dwelling, it would not be possible to retain more without diminishing the width of the accesses.

In summary, it is considered the proposed front boundary treatment is an improvement on what was proposed in previous application ref. 20240666 as the railings and gates are no longer proposed and it is now proposed to retain a section of the existing front boundary wall and there would be soft landscaping to soften the impact of the parking in the front garden.

In respect of design, character and appearance the proposal is therefore now considered compliant with Policy CS19 (LPCS) and ground of refusal no. 1 of previous application ref. 20240666 has been addressed.

Amenity of Future Occupiers

Paragraph 135 (f) of the NPPF (2024) requires planning decisions to, *inter alia*, provide “a high standard of amenity for existing and future users”. In addition Policy CS19 (LPCS) requires new development to be

located, designed and constructed to “safeguard the amenity, including privacy, daylight and sunlight, of its occupants and those of neighbouring properties and land”.

The proposed extensions and conversion are the same as proposed in the previous application refs. 20240235 & 20240666.

In the delegated report relating to planning application 20240235 (and as stated again in application ref. 20240666) the residential amenity of future occupiers was assessed as follows:

The proposal includes conversion of the dwelling into two separate dwellinghouses.

Dwelling marked in yellow on plan (4 bed, 6 person 3 storey dwelling – 245.82 sq. m – exceeds the minimum standard in the Technical Housing Standards (2015) which is 112 sq. m

Dwelling marked as white on plan (2 bed, 3 person, 3 storey dwelling – 189.5 sq. m – no relevant standard in the Technical Housing Standards (2015) but the figure of 189.5 sq.m exceeds the minimum standard for a 3 bed, 4 person 3 storey dwelling which is 90 sq. m.

As such the dwellings exceeds the minimum standards in the Technical Housing Standards (2015) and are therefore of acceptable size.

Both rear gardens would be 138.61 sq. m in area and 19.3 m which would exceed the minimum garden areas and depths as set out in SPG2 (2020) for 4 and 2 bed dwellings respectively.

In respect of occupier amenity the proposal is therefore compliant with Policy CS19 (LPCS).

Given that the details of the current proposed extensions are the same as proposed in previous application refs. 20240235 & 20240666, the above conclusions are equally applicable to the current proposal. As such in respect of occupier amenity the proposal is considered acceptable in respect of Policy CS19 (LPCS).

Neighbouring Amenity

As stated the proposed extensions and conversion are the same as proposed in the previous application refs. 20240235 & 20240666.

In the delegated planning report relating to planning application 20240235 (and as stated again in application ref. 20240666) the impact of the development on the residential amenity of neighbouring occupiers was assessed as follows:

Although there is an increase in the depth of the two storey rear extension proposed by 600mm at ground floor level and 1.8m at first floor level, given the depth of the adjacent dwellings and the distance between them there would be material harm caused to either neighbouring dwelling. As before the extension would not project any further than no. 256 to the north. There is a window proposed at first floor level in the north flank elevation serving a study but this is shown to be non-opening and obscure glazed therefore no concerns in terms of overlooking.

No. 260 is located to the south of the application site. The proposed extension would mean the extension would extend approx. 1m beyond the rear of no. 260 however, given this is not a significant amount and combined with the distance between the two properties it is considered this would not cause any overshadowing to no. 260. There is a window proposed at first floor level in the south flank elevation serving bathroom but this is shown to be non-opening and obscure glazed therefore no concerns in terms of overlooking.

The rear dormers would not result in any additional overlooking over the rear windows below. The single storey front extension is of a modest size and given this and its siting and distance from the neighbouring properties it would not impact on any of the neighbouring properties.

As such in respect of neighbouring amenity the proposal is considered compliant with Policy CS19 (LPCS).

Given that the details of the current proposed extensions and conversion are the same as proposed in previous application refs. 20240235 & 20240666, the above conclusions are equally applicable to the current proposal. As such in respect of neighbouring amenity the proposal is considered acceptable in respect of Policy CS19 (LPCS).

Parking and Highways

This matter related to ground of refusal no. 2 of previous application ref. 20240666.

Singlewell Road is a classified highway; with four parking spaces (two for each dwelling) there was considered to be sufficient off-street parking spaces and which were of sufficient size. The issue of the ground of refusal related to the safety of the new and widened access in respect of the proposed gates and inadequate visibility splays.

In the delegated report for application ref. 20240666 the KCC Dropped Kerb Guidance and Self-Assessment document (2023) guidance was quoted that gates should not open outwards onto the public highway and that there should be a minimum distance of 5.5m from the highway edge in order to ensure that vehicles do not obstruct the public highway when accessing a property. Also, that there should be a pedestrian visibility splay of at least 2m by 2m from the back edge of the footway with a minimum height of 0.6m above footway level.

The Council's Front Driveway Design Guide and the Householder Extensions/Alterations Design Guide was also referenced in regard to this in that it states that front garden parking should not include gates but where they already exist, they must not open outwards and should allow enough space to open inwardly while a car is parked and that gates should enable a pedestrian on the footway to have clear visibility of any vehicle exiting (i.e. they should be railings or have some form of transparency) and should not be of a height that blocks visibility of passing pedestrians and should enable visibility from the footway.

In application ref. 20240666 the proposed gates were 2.5m in height and no visibility splays were provided. It was noted how due to the proposed gates abutting the back edge of the footway and therefore with a lack of any setback, vehicles entering the application site would be required to wait for the gates to open before entering, which would have resulted in vehicles being stationary on the carriageway or across the pavement outside the application site. This was considered the case even with the automated gates proposed. It was therefore considered that the proposal would have obstructed the free flow of traffic on the roadway and pedestrians on the pavement.

In addition, there was a lack of any pedestrian or vehicle visibility splays which would result in drivers exiting the application site with limited visibility, resulting in danger to passing pedestrians and to highway safety.

In this current application there are now no gates proposed. There would be the central section of wall of 0.6m in height, a pier on the southern end of 0.7m in height and the pier on the neighbour's land at no. 256 to the north which is 1.3m in height. The pier of 0.7m is only very marginally over the 0.6m height and there is no control over the height of the neighbour's pier to the north.

As such it is considered that the proposal has resolved the matter of obstructing the free flow of traffic on the roadway and pedestrians on the pavement and there would on balance be sufficient visibility splays.

In respect of parking and highway safety the proposal is now considered compliant with Policy CS11 (LPCS) and saved Policy T5 (LPFR) and ground of refusal no. 2 of previous application ref. 20240666 has been addressed.

Ecology & Biodiversity

Bats

This matter related to ground of refusal no. 3 of previous application ref. 20240666.

Section 15 of the NPPF (2024) relates to conserving and enhancing the natural environment. It seeks to ensure that new developments protect and enhance biodiversity and geodiversity.

Policy CS12 (LPCS) relates to green infrastructure and requires that there will be no net loss of biodiversity in the Borough and opportunities to enhance, restore, re-create and maintain habitats will be sought within new development.

KCC Biodiversity stated that due to gaps under a number of tiles in the roof it is possible that roosting bats may be present and as such they advised that an Ecological Impact Assessment (EclA) was required to be undertaken by a suitably qualified ecologist, in accordance with good practice guidelines.

Advice in Circular 06/2005 states that the presence of a protected species (such as bats) is a material consideration when a development proposal is being considered which would be likely to result in harm to the species or habitat. The Circular goes on to say that it is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision (paragraph 99).

Consequently, it was stated in the delegated report for application ref. 20241066 that attaching a pre-commencement condition requiring a bat survey would not be appropriate and would not overcome the comments of KCC Biodiversity. It was concluded that in the absence of an Ecological Impact Assessment there was insufficient information on which to determine that harm to bats would be avoided. The proposal was therefore considered to be contrary to section 15 of the NPPF (2015) and Policy CS12 (LPCS).

In this application a Bat Scoping Report and Preliminary Ecological Appraisal has been submitted. KCC Biodiversity state how the Preliminary Ecological Appraisal has detailed that the building has low potential to support roosting bats and recommends that at least 1 emergence survey is required. KCC Biodiversity advise that the results of the surveys and details of any mitigation must be submitted prior to determination of the planning application in order to ensure that, if bats are present, the Local Planning Authority can fully consider the impact on bats when determining the planning application. They therefore recommended that an Ecological Impact Assessment (EclA) is submitted and includes the following information:

- Details of the impacts of development proposals on the ecological baseline established via a Preliminary Roost Assessment (PRA) and the recommended emergence surveys;
- Details of any necessary and achievable ecological mitigation and/or compensation measures;
- Details of ecological enhancement measures, and;
- Provision of sufficient information to determine whether the project accords with relevant nature conservation policies and legislation.

KCC Biodiversity advise that in order to ensure that the planning determination is adequately informed in respect of all potential ecological impacts, the EclA should be sought prior to determination.

The applicant was asked to submit an Ecological Impact Assessment (EclA). The applicant has submitted a Bat Scoping and Emergence Survey Report. This states that a single bat emergence survey was undertaken on the 15 May 2025 and focused on a slipped roof tile, section of missing plugging and where hanging tiles were present.

The report states that general bat activity was very low with no bats seen during the survey with five faint bat calls indicating distant bats. The report concludes that from the scoping assessment and the single bat emergence survey it can be concluded that roosting bats do not routinely use the building. It is assessed

as having low hibernation potential for bats. However, that there are features that could be used for hibernation including hanging tiles which it would be impossible to fully investigate bat use over the winter period without dismantling the features, and hence potentially destroying a bat roost. Therefore, the report states that in this instance no further surveys for winter roost potential are recommended but instead, mitigation must be implemented to reflect the risk that bats may use this building for hibernating during the winter. It states this must include timing the works to the building between in the period between mid-March and the end of October to avoid disturbing bats that could be in hibernation. This could be conditioned should permission be forthcoming. Subject to this, it is considered that there would be no harm to any bats.

Thames Estuary and Marshes Special Protection Area (SPA) and SAMMS

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 1 unit and the applicant has paid the required tariff (£328.27 – which was the tariff at the time this application was submitted and the SAMMS tariff was paid). The Local Planning Authority can 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.

BNG

Under the Environment Act 2021, all minor planning applications in England submitted on or after the 2 April 2024 will have to deliver at least a 10% biodiversity net gain (unless exempt). This application was

submitted after the commencement of mandatory BNG.

On the submitted application forms, the applicant's agent has indicated that the proposal would be exempt from mandatory biodiversity net gain as the development would consist exclusively of dwellings that are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

The additional dwelling in this case would come from converting one dwelling into two, there would not actually be the construction of any new dwelling on the ground and the applicant states the development is self-build. In any case looking at the existing site and proposed floor plans it can be seen that there would be an area of bedding, shrubs and plants behind the section of front wall to be retained along with four planting beds around the edges. It is considered the front garden would still retain a sufficient degree of soft planting.

In respect of ecology and biodiversity, the proposal is therefore considered compliant with Policy CS12 (LPCS) and section 15 of the NPPF (2024) and ground of refusal no. 3 of previous application ref. 20240666 has been resolved.

Any Other Material Planning Considerations

None.

Conclusion

The proposal has resolved the previous issues of application ref. 20240666 in that it is now acceptable in respect of design, character and appearance, parking and highway safety and ecology and biodiversity and has addressed all of the grounds of refusal of application ref. 20240666. The proposal remains acceptable in respect of occupier and neighbouring amenity. The proposal is therefore compliant with local and national planning policy.

Recommendation

Permission

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

Case Officer:	Ms Rebecca Harrison	Team Leader:	Mrs Faye Walsh
Signed:		Signed:	
Dated:	02 July 2025	Dated:	10 July 2025