



Delegated Report

Householder Planning Application

Planning Application No: 20260541

Location: 44 Lewis Road Istead Rise Gravesend Kent

Description: Erection of garden room at rear.

Applicant: Mr Nick Gallagher

Site Visit Date: 22 July 2026

Submitted Documents/Plans

Householder Planning Application form;
Drawing no. 1873/01 Existing and proposed site plans, location plan and proposed block plan; and
Drawing no. 1873/02 Proposed layout, elevations and roof plan.

Relevant Planning History

Reference	Description	Decision	Decision Date
20260136	Erection of part single storey and part two storey rear extension and two storey front extension; Removal of existing pitched roof and its replacement with part pitched and part flat roof, with two front dormers and three rear dormers (one with balcony); Conversion of resulting roof space to habitable rooms; Fenestration alterations and part conversion of garage into habitable room.	Pending Consideration	

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
- CS20 – Heritage and the Historic Environment

Gravesham Local Plan: First Review (1994)

- 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.

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)
- Gravesham Householder Extensions/Alterations Design Guide (2021)
- Design for Gravesham – Design Code (2024)
- Gravesham Landscape Character Assessment (2009)

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

GBC Environmental Protection Team (Regulatory Services)

There is no objection to this application but as the site falls within the buffer zone of a former landfill site,

the following is advised:

Watching Brief

The applicant shall undertake a watching brief during construction in case any contamination issue is encountered. If during development any contamination is found, the local planning authority should be informed as soon as practical, and the work shall not continue until written agreement is provided by the LPA as to the appropriate measures to be taken to resolve the matter and they are satisfied that those measures have been carried out.

Neighbouring properties

The application was publicised to four neighbouring properties by letter. Four representations (1 neither in support nor objecting and three objecting) have been received and are summarised as follows;

- Adverse overbearing impacts to no. 46 Lewis Road due to proximity to boundary.
- Adverse privacy impacts to no. 46 Lewis Road.
- Will be used as residential accommodation due to the inclusion of a shower and w.c..
- Planning permission should have been obtained prior to the works being undertaken.
- Sets a precedent for others to build without planning permission.

Officer's Analysis

Background

The proposed development is under construction and is the subject of an ongoing enforcement investigation. This application has been submitted in an attempt to regularise unauthorised works.

It is noted that due to the overall height of the proposed outbuilding and its proximity to the site boundary, the outbuilding would not meet the size criteria set out in Class E, Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and as such, planning permission would be required.

Design, Character and Appearance

Policy CS19 of the Gravesham Local Plan Core Strategy (2014) sets out that new development will be visually attractive, fit for purpose and locally distinctive. It should conserve and enhance the character of the built environment and take account of the scale, height, building lines and other architectural features of buildings. Account should also be taken of strategic views, site topography, the significance of heritage assets and features of townscape and landscape value which contribute to local character and sense of place.

In relation to outbuildings, the Householder Extensions/Alterations Design Guide (2021) sets out that proposals;

- Should only be used for purposes incidental to the enjoyment of the house;
- Should not deprive the existing property of adequate private garden space and should be subordinate to the existing dwelling and plot;
- The Council will consider factors such as the scale, height, proximity to boundaries, roof design, finishing materials and prominence in the street scene or rear garden environment;
- Should not detract from the character of the area (especially where it will be visible from the street) and should be unobtrusively located to the side and rear of the dwelling; and
- Should not have an adverse impact on the amenity of the surrounding properties in terms of noise and disturbance created through access or overlooking/overshadowing of existing properties.

The application site is located in the Istead Arable Farmlands Landscape Character Area (LCA) and as such, Policy CS12 of the Gravesham Local Plan Core Strategy (2014) is also relevant. This policy states that the overall landscape character of the Borough will be conserved, restored and enhanced and that the Gravesham Landscape Character Assessment will be taken into account in determining applications.

The proposed development comprises of an outbuilding with a footprint of 43 square metres and a height of 2.8 metres. The proposed roof over sails the south western end of the building by 2.8 metres to provide an open pergola, which extends across the full depth of the building. The outbuilding has been set down at the north eastern end into the slope of the rear garden. The roof is flat and the walls clad in black composite panels. The building is under construction and will be used as a garden room (bar/games room) with a shower/w.c..

The application site is located in village where domestic outbuildings are commonplace. The proposed outbuilding has a relatively large footprint but a relatively low roof height and is subservient in size to the dwelling and plot at the application site. The outbuilding has a general design that is not out of character with the surroundings. Whilst the black composite cladding does not match with the existing dwelling, the building is not be widely visible in the surrounding area and as such, there is no significant detriment to visual amenity.

The proposed garden room use would be incidental to the existing dwelling and it is not unreasonable for a shower room/w.c. to be provided in such an outbuilding. Indeed, the applicant explained at the site visit, that there would be a hot tub in the pergola, which necessitates a shower room/w.c. within the outbuilding.

In order to ensure that the use of the outbuilding remains incidental to the dwelling at the application site and that there is no future separation of the rear garden, appropriate planning conditions can be attached to any planning permission granted.

The application site is located in a village and the proposed development is within an existing residential curtilage. The proposal has resulted in an increase in the amount of built development at the application site but it does not adversely affect the overall landscape character of the surrounding area.

Overall, the proposed development is appropriate in terms of design and does not have an adverse impact on the character or appearance of existing building or the surrounding area. Therefore, the proposal is in line with Policies CS12 and CS19 of the Gravesham Local Plan Core Strategy (2014) and the Householder Extensions/Alterations Design Guide (2021).

Amenity of Future Occupiers

The proposed development does not adversely affect the private amenity space of the application property and does not adversely impact on the privacy, daylight or sunlight of its occupants. As such, the proposal is not detrimental to the amenity of future occupiers and is in line with Policy CS19 of the Gravesham Local Plan Core Strategy (2014).

Neighbouring Amenity

Policy CS19 of the Gravesham Local Plan Core Strategy (2014) requires new development to be located, designed and constructed to safeguard the amenity, including privacy, daylight and sunlight, of neighbouring occupiers. In this regard, the Borough Council's adopted Residential Layout Guidelines (RLG) are relevant.

The closest residential properties to the application site are nos. 42 and 46 Lewis Road (located to the north west and south west respectively). Nos. 44 and 46 Castlefields are located to the west.

Local residents have raised concerns that there would be adverse overlooking and overbearing impacts to the occupiers of no. 46 Lewis Road.

The proposed outbuilding does not have any windows in the elevation facing no. 46 Lewis Road, therefore there is no adverse overlooking impact. However, there are a number of windows/openings in the elevation facing no. 42 Lewis Road. But due to the mature vegetation and the existing boundary treatment located on the boundary with that property, there are no adverse overlooking impacts to the occupants of no. 42.

The proposed outbuilding is located some 0.9 metres from the side boundary with no. 46 Lewis Road and has a depth of some 13.2 and a height of 2.8 metres. As illustrated below, there is an existing boundary



treatment and an outbuilding at no. 46 Lewis Road adjacent to the outbuilding;



Case officer photograph 22 July 2026

Whilst the outbuilding is visible to the occupiers of no. 46 Lewis Road, the separation from the boundary and the low roof height means that these impacts are not so significant as to warrant a refusal of planning permission. Due to the orientation of the properties, there is no adverse overshadowing impact to the residential occupiers of no. 46 Lewis Road.

Due to the design of the proposed development and to the design, layout and orientation of no. 42 Lewis Road and nos. 44 and 46 Castlefields, there are no adverse overlooking, overshadowing or overbearing impacts to any of their residential occupiers.

Overall, the proposed development would not be detrimental to the residential amenity of surrounding occupiers and would be in line with Policy CS19 of the Gravesham Local Plan Core Strategy (2014).

Any Other Material Planning Considerations

The application site is located within an area of multi-period archaeological potential and Groundwater Source Protection Zone 2. However, as the proposed development is within the confines of an existing residential garden and only a relatively small amount of groundworks have occurred, then it is considered that there would have been no adverse impacts to groundwater or archaeology. As such, the proposal would be in line with Policies CS19 and CS20 of the Gravesham Local Plan Core Strategy (2014) and Saved Policy TC7 of the Gravesham Local Plan First Review November 1994.

The application site is located within the buffer zone for the Lewis Road historic landfill site and the GBC Environmental Protection Team have set out the wording for a contamination watching brief condition. However, as the groundworks have already been completed, then there is no requirement for this condition to be attached to any planning permission granted.

Local residents have raised a number of concerns, the majority of which have been covered in the above discussion. The outstanding issues are summarised (in italics) and commented on as follows;

- *Will be used as residential accommodation due to the inclusion of a shower and w.c..* – the application details specify that the outbuilding would be used as a garden room and any planning permission granted would be conditioned to ensure that any alteration of that use would require planning permission.
- *Planning permission should have been obtained prior to the works being undertaken* – agreed but the planning system allows for the submission of retrospective applications, so this application can be determined.
- *Sets a precedent for others to build without planning permission* – every planning application is determined on its own merits and as such, this development would not set a significant precedent.

Suggested Conditions

Development in accordance with the approved plans

Use as a garden room only

No separation of garden area

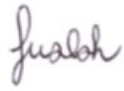
Conclusion

The proposal would comply with local and national planning policies and subject to the conditions set out above, the proposal would be acceptable.

Recommendation

Planning permission subject to conditions is recommended.

(For detailed conditions and informatives, see draft Decision)

Case Officer:	Mrs Kelly Joyce	Team Leader:	Mrs Faye Walsh
Signed:		Signed:	
Dated:	30th July 2026	Dated:	30 July 2026