

Delegated Report

Planning Application

Planning Application No: 20251262

Location: 40 Cross Lane East, Gravesend DA12 5HB

Description: Demolition of existing garage and construction of two storey side extension, single storey rear extension, conversion of loft space into habitable rooms and construction of rear dormer to facilitate the conversion of the dwelling into three self-contained flats.

Applicant: Mr Singh

Site Visit Date: 19 December 2025

Submitted Documents/Plans

Application form
Planning Statement
Drawing no. 001 rev A (site location plan and block plans)
Drawing no. 002 rev A (existing floor plans)
Drawing no. 003 rev A (proposed floor plans)
Drawing no. 004 rev A (existing elevations)
Drawing no. 005 rev A (proposed elevations)

Relevant Planning History

20251046	Demolition of existing garage, erection of a two-storey side extension, rear dormer and conversion of dwelling (Use Class C3) into a 9 bedroom House in Multiple Occupation (Sui Generis).	Application Refused, appeal lodged	04.12.2025
20250446	Erection of a Single 2-Bedroom Dwelling.	Application Refused, appeal dismissed	01.07.2025
20240680	Erection of a building to form 2no. 1 bedroom units.	Application Refused, appeal dismissed	21.10.2024
19870391	Erection of single storey side extension to form garage	Permitted	01.07.1987
19860841	Erection of a two storey side extension to form a garage workshop with bedroom over	Permitted	22.12.1986
19750523	Erection of single storey rear extension for shower room and wc and covered walkway at rear and	Permitted	25.09.1975

alterations to garage

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

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

Gravesham Local Plan: First Review (1994)

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

Paragraph 34 of the NPPF (2024) sets out that policies within adopted local plans should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. Such reviews are also a legal requirement as set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012.

The Council undertook such a review in September 2019 and found that the adopted Local Plan Core Strategy is in need of a partial review in terms of Policy CS02, due to the increased need for housing since the Local Plan Core Strategy was adopted and the need to ensure that a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) generally conform with the NPPF (2024), the Council will also seek to replace these.

National Planning Policy Framework (2024)

- Section 2 – Achieving sustainable development
- Section 4 – Decision-making
- Section 5 – Delivering a sufficient supply of homes
- Section 9 – Promoting sustainable transport
- Section 11 – Making effective use of land
- Section 12 – Achieving well-designed places
- Section 15 – Conserving and enhancing the natural environment

Supplementary Planning Guidance

- SPG 2 - Residential layout guidelines including Housing Standards Policy Statement October 2015 Adopted 1996 – amended June 2020;
- Technical Housing Standards – nationally described space standard (2015);
- Design for Gravesham: Design Code (2024); and
- SPG 4 - KCC Parking Standards (2006).

Consultations, Publicity and Representations

Consultees

KCC Biodiversity Officer (from previous application 20250446)

SUMMARY: FURTHER INFORMATION REQUIRED

No ecological information has been submitted with this application. As a result of reviewing the data available to us and the information submitted with the planning application, we advise that none will be needed. This is due to the small scale/urban setting of the proposals and limited potential for impacts to protected species. The onsite shed scheduled for removal appears to have negligible potential for supporting roosting bats.

A small sites metric has been submitted (May 25), however there appear to be issues with both the baseline and post-development habitat data. We advise that due to the small nature of proposals, the development footprint may affect <25m² of habitat with a baseline value higher than zero. Proposals may therefore fall into the 'de minimis' exemption criteria, however the applicant will need to confirm that the habitat areas we've outlined below are accurate.

BIODIVERSITY NET GAIN

DE MINIMIS – POTENTIAL EXEMPTION

The habitat types and areas presented within the metric do not appear to align with those outlined within the BNG supporting statement (May 25), the following measurements are taken from the BNG statement. The total site area is 181.35m², 145.35m² of this is amenity grassland/vegetated garden and the remaining 36m² is hardstanding. The new dwelling will cover an area of 65m², primarily occurring over existing hardstanding. This results in the loss of 29m² of habitat with a baseline value higher than zero and the remaining grassland will form the residential garden of the new property. From our measurements the baseline area of hardstanding should also include the greenhouse which appears to be c. 6m² in size. This would mean that only 23m² of habitat with a baseline value higher than zero is to be impacted by development, and that the proposals would qualify as exempt under the 'de minimis' exemption criteria as detailed below. Additionally, no hedges appear to be impacted by proposals.

In order to qualify for the 'de minimis' exemption the following must apply:

- The development will not impact any onsite priority habitat; AND
- The development will not impact more than 25 square metres of onsite habitat with a biodiversity value greater than zero; AND
- The development will not impact more than 5 metres of onsite linear habitat.

If the applicant believes that this exemption does not apply, and that more than 25m² of habitat with a biodiversity value greater than zero will be lost, we refer them to the following comments as there are some issues with the metric provided that will need to be rectified prior to determination.

Baseline habitats

The total site area as recorded within the metric is 146.31m², this doesn't align with the BNG statement which states that 181.35m² of habitat is present. Additionally, the baseline habitats have been listed as bracken and developed land sealed surface. We consider that bracken is unlikely to be the baseline habitat, and this should be either vegetated garden or modified grassland as outlined in the submitted BNG statement.

Proposed habitats

Proposed habitat creation is listed as developed land and mixed scrub in good condition. We consider that it's unlikely for the entirety of amenity habitat to be mixed scrub, additionally it is not possible to create mixed scrub in good condition as it must pass 5 of out 6 HCA criteria.

It is not possible to deliver biodiversity gains in private gardens as any habitats created/enhanced cannot be legally secured for 30 years. Generally, all habitat within private gardens should be considered 'vegetated garden' (as required under the Statutory Biodiversity Metric User Guide, page 51) in the habitat creation/enhancement tabs of the biodiversity metric. The User Guide states:

The post-development private garden has no public access, and biodiversity net gains cannot be legally secured. As these gains cannot be secured you should only record created private gardens as either:

- 'urban – vegetated garden'; or
- 'urban - unvegetated garden'

You should not:

- record the creation of any other new habitats within private gardens [this includes the planting of any trees]
- record enhancement of any habitat within private gardens
- small trees shouldn't be recorded in garden baseline

However, habitats which are recorded in the baseline and remain within a private garden may be recorded as retained. Guidance on retention should still be followed.

The proposed enhancement and habitat creation measures therefore cannot be implemented into BNG, and newly created habitat should be listed as developed land –sealed surface and vegetated/unvegetated garden. As gains cannot be secured in private gardens, it is unlikely that a net gain will be achievable onsite, and offsite units will likely need to be sought.

GBC Environmental Protection (from previous application 20240680)

The property falls within a buffer zone for a Historic Landfill Site. To address this and other matters, the following conditions and informatives are recommended.

Contaminated Land 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.

Code of Practice on Construction and Demolition

Please apply as appropriate to minimise any impact on nearby dwellings during the construction.

Smoke Control Informative

The proposed development is situated in a smoke control area. As such, only authorised smokeless fuels as listed in the Smoke Control Areas (Authorised Fuels) Regulations 1991 shall be burnt or fireplaces/appliances exempted by Smoke Control (Exempted Fireplaces) Orders shall be utilised. Exempt appliances are appliances (ovens including pizza and tandoori ovens, wood burners and stoves) which have been exempted by Statutory Instruments (Orders) under the Clean Air Act 1993. These have passed tests to confirm that they are capable of burning an unauthorised or inherently smoky solid fuel without emitting smoke. They must be fitted and used according to manufacturer's instructions and they can only be used for the fuel for which they are designed. When purchasing fuels and fireplaces the applicant should clarify with the vendor their suitability with respect to use in Smoke Control Areas. For further information, including confirmation that an appliance and/or fuel is suitable for use in a smoke control area, the applicant should contact the Council's Regulatory Services air.quality@gravesham.gov.uk

Drainage/sewerage informative

The foul sewage shall be removed by means of the mains drainage system and not by the use of non-mains sewerage systems, unless connection to the drainage system is not reasonably practicable.

Neighbouring properties

The application has been advertised by site notice and individual letters to nine neighbouring properties. Six letters of objection (two from same dwelling) and two letters of support (both from same dwelling) have

been received.

Main points raised against the application:

- There have already been a number of applications and failed appeals on the site. The sole objective is to cram in as many people as possible
- Same objective, different approach
- The original property is an average sized family house and, even extended, is not appropriate for the number of bedrooms proposed
- Increased pressure on parking
- Loss of the garage
- The site is within the 6km buffer of the Thames Estuary and Marshes Ramsar site
- Increase noise pollution during construction (*not a material planning consideration*)
- Out of character
- Overdevelopment and cramped
- This application is not for high quality sustainable housing
- Empty/derelict sites should be invested in rather than this property
- Impact on sewerage/drainage infrastructure
- Noise impact from increased comings and goings

Main points raised in support of the application:

- The development is appropriate in scale and design, would not harm neighbouring amenity and helps contribute to local housing needs

Officer's Analysis

Proposal

Demolition of existing garage and construction of two storey side extension, single storey rear extension, conversion of loft space into habitable rooms and construction of rear dormer to facilitate the conversion of the dwelling into three self-contained flats.

The proposed side extension will project approx. 3m to the side and will be approx. 8m deep. It will be set down from the roof pitch by approx. 0.1m. The single story rear extension will project approx. 4.8m to the rear at its longest point, will be approx. 6.7m wide and 'L' shaped joining onto the existing rear extension. There will also be a dormer to the rear measuring approx. 1.6m wide, 2.4m high and 2.6m deep.

Internally flat 1 will have two bedrooms, a bathroom, a cupboard and a kitchen/living/dining room. Flat 2 will have a kitchen/living/dining room, a shower and a bedroom. Flat 3 will be arranged over the first and second floor and will consist of three bedrooms, an en-suite, a bathroom, a kitchen and a living/dining room.

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 '2' 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 lies within the urban area where the principle of development is acceptable providing it meets the requirements of local and national policy.

Policy CS14 of the Gravesham Core Strategy 2014 relates to housing type and size. This policy states that the Council will protect and mix of housing in the existing stock and will resist the conversion of family sized residential properties to smaller properties. It goes on to say that the Council will expect new housing

development to provide a range of dwelling types and sizes taking into account the existing character of the area and evidence of local need to create sustainable balanced communities.

The conversion of this family sized dwelling into three flats will result in the loss of a family dwelling in an area which is characterised by single family dwellings. The proposed development is therefore contrary to this policy.

Policy H5 of the Gravesham Local Plan 1994 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.

The application site is located within an area comprised for the most part of single family dwellings and therefore this proposal to convert the property into flats is not in an appropriate area and conflicts with this policy.

The building is not of a size and arrangement that is unsuitable for single family occupation and therefore policy supports its retention as a dwelling house.

Policy CS15 of the Gravesham Core Strategy 2014 states that all new housing will be developed at a density that is consistent with achieving good design and does not compromise the distinctive character of the area in which it is situated. As stated above, the character of the area is single family dwellings and therefore the proposal also conflicts with this policy.

The applicant argues in the Planning Statement that the application accords with the above policy because it offers 1no. three bed flat which could house a family however, whilst this may be the case, the area is characterised by single family dwellings and the conversion of this property to flats is out of character with the area.

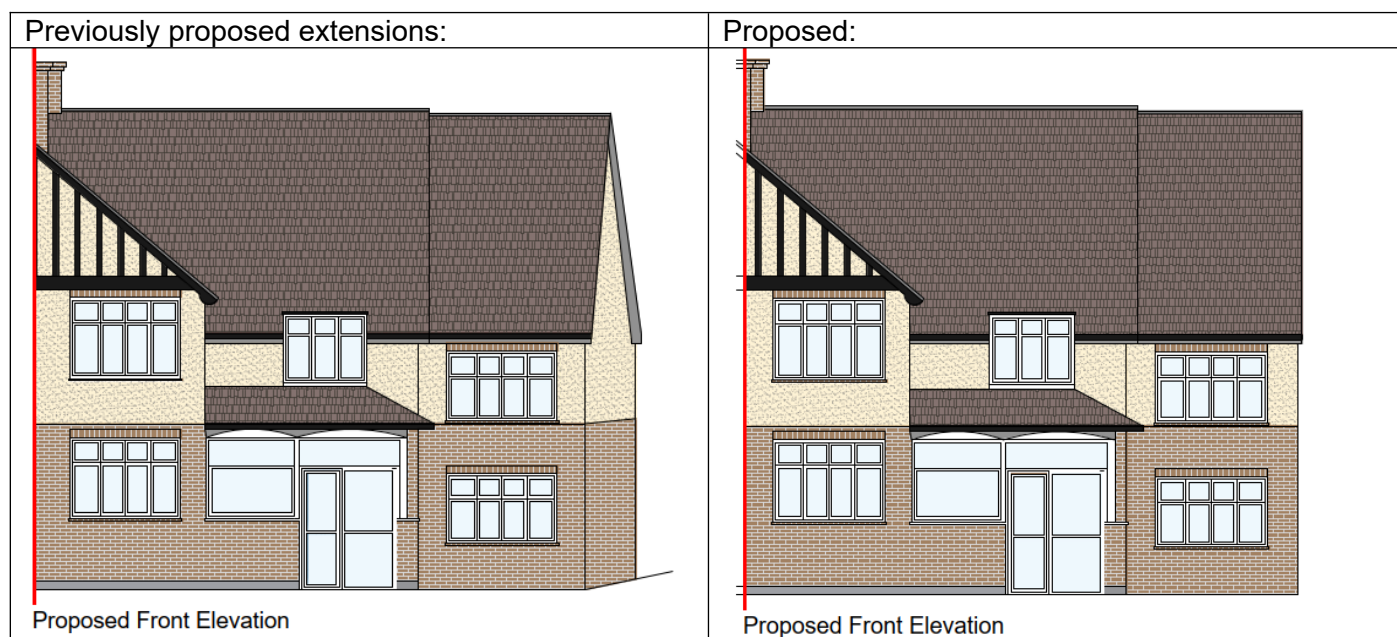
The proposed change of use of this family dwelling to three flats therefore conflicts with policies CS14 and CS15 of the Gravesham Core Strategy 2014, Policy H5 of the Gravesham Local Plan 1994 and paragraph 135 of the National Planning Policy Framework 2024.

Design, Character and Appearance

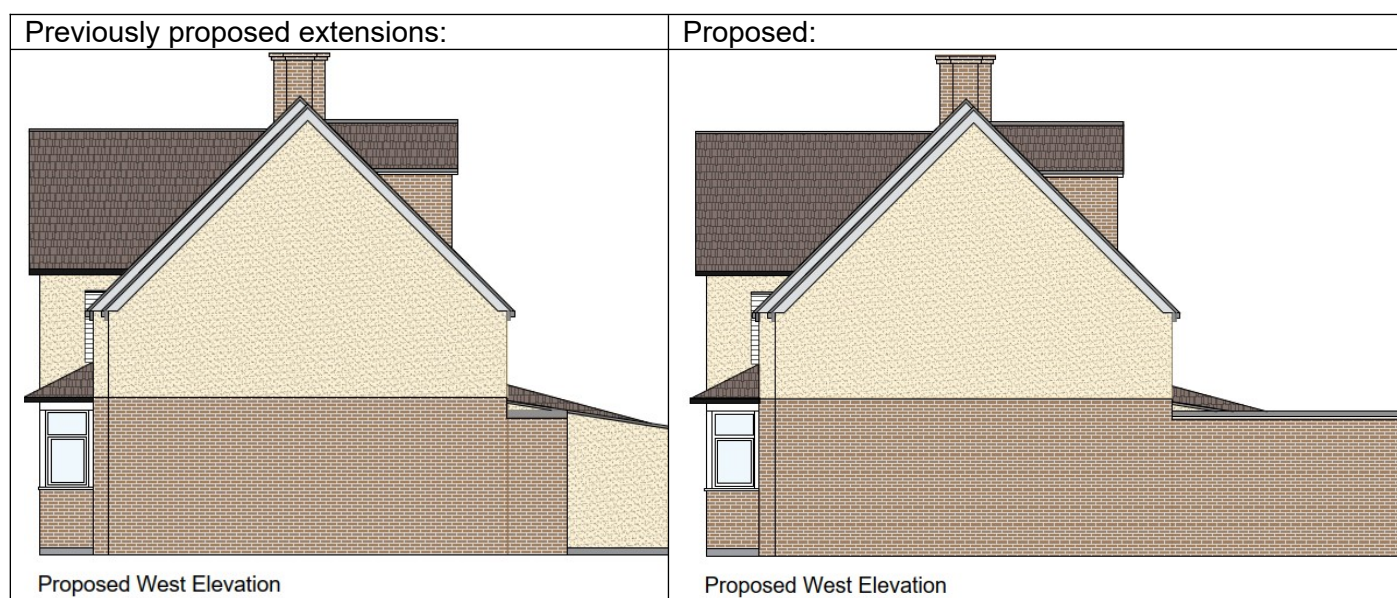
The application site is a two storey end of terrace property with an attached garage and off road parking for two cars. The properties along this side of the road are similar but not uniform. The character of the street scene includes planted front gardens, some with driveways, set back from the road and, with the exception of no. 41 which was built up to the back edge of the pavement, open space to the sides of corner dwellings.

Some changes have been made to the design of the extensions proposed under reference 20251046 which

can be seen below:



The proposed two storey side extension is no longer built at an angle to fill the entire side of the plot adjacent to the dwelling. This results in a more coherent and less dominant form of development than was previously proposed. To the rear the proposed dormer is now shown to be centralised in the roof slope and inline with the window below which appears more ordered. The single storey rear extension projects further into the garden than the previously proposed extension:



Although the rear extension does project further than others in the vicinity of the application site, it is in an 'L' shape and does not extend the full width of the property at this depth. The extension will project higher than the existing wall by approx. 1m and therefore will be visible from Central Avenue however it will be behind the wall with a flat roof and therefore will not be readily visible.

The conversion of the building to flats will result in additional paraphernalia such as doorbells, post boxes, bins, cars and boundary treatment to divide the garden up into separate amenity spaces. These are all changes to the dwelling that will result in this property appearing out of character with the remainder of the street.

The intensification of the use of the dwelling resulting in more comings and goings constitutes overdevelopment that is out of character with the area and conflicts with the objectives of policy CS19 of the Gravesham Core Strategy 2014 and paragraph 135 of the National Planning Policy Framework 2024.

Amenity

Future Occupiers

Flat 1 provides for approx. 60.85sqm of internal floor space. The National Space Standards require 61sqm internal floor space for a two bedroom, three person dwelling.

Flat 2 provides for approx. 36.4sqm of internal floor space. The Standards require 39sqm internal floor space for a 1 bedroom, 1 person dwelling or 37sqm where a shower room is provided instead of a bathroom.

Flat 3 provides for approx. 90.5sqm of internal floor space. The Standards require 93sqm internal floor space for a 3 bedroom, 5 person dwelling spread over two floors.

All of the habitable rooms contain sufficient outlook, daylight, sunlight and privacy.

In terms of amenity space, this is required for flats that are capable of providing family accommodation and 10sqm is expected. The plans show the rear garden of the property to be divided up so each flat receives some amenity space. Amenity space is not required for flats 1 and 2 but is welcomed. The approx. 100sqm amenity space for flat 3 is acceptable.

As can be seen above, the internal floor space does not meet the standards and, whilst it is not far off, serves to demonstrate further that this is an unacceptable intensification of the site.

Neighbouring Amenity

The proposed two storey extension is located to the side furthest away from neighbouring properties and therefore will have no detrimental impact on amenity. The proposed single storey rear extension projects no further than the existing rear extension and therefore will have no impact on the neighbour at no. 42. The rear dormer is positioned a sufficient distance to result in no significant impact over and above mutual overlooking that is expected in a residential area.

On balance, the proposed development accords with policy CS19 of the Gravesham Core Strategy 2014 and paragraph 135f of the National Planning Policy Framework 2024 in terms of amenity.

Ecology and Biodiversity

Biodiversity Net Gain

Biodiversity net gain (BNG) is a way of creating and improving natural habitats. BNG makes sure development has a measurably positive impact ('net gain') on biodiversity, compared to what was there before development.

In England, BNG is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Developers must deliver a BNG of 10%. This means a development will result in more or better quality natural habitat than there was before development.

As the proposed development does not impact a priority habitat and impacts less than 25sqm of on-site habitat and 5m of on-site linear habitats such as hedgerows the project is exempt from BNG.

Strategic Access Management and Monitoring Strategy

The Thames Estuary and Marshes Ramsar site and Special Protection Area (SPA) are internationally important for nature conservation as the area is a wetland and supports important numbers of wintering waterbirds and migrating birds. There has been a decline in the number of birds using these sites in recent years. Studies show that this could be due to people using the estuary and marshes for recreation purposes. The North Kent Bird Disturbance Report concludes that all new housing development within 6km of the North Kent Ramsar Sites or Special Protection Areas (including the Thames Estuary and Marshes) and larger housing development beyond 6km from the sites could have an adverse impact on them. This is because new housing development is likely to lead to further increases in recreational use of the sites which means that further declines in the bird population cannot be ruled out. Possible mitigation measures are set out in the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring Strategy. Having considered a number of options, the Council have decided to impose a tariff on new housing development. Developers will need to pay £337.49 for every new dwelling provided within 6km of the Ramsar site and SPA and for larger housing developments beyond 6km from them. The money raised will be used to pay for schemes to avoid the adverse impacts of new housing development on the birds. The applicants have not paid towards the mitigation.

The proposal fails to secure a contribution towards strategic mitigation measures within Special Protection Areas, and therefore the development conflicts with the requirements of the Habitat Regulations and Section 15 (specifically paragraphs 193 and 194) of the National Planning Policy Framework 2024 and Policy CS12 of the Gravesham Local Plan Core Strategy 2014.

Parking and Highways

It is acknowledged that the majority of objections received relate to parking pressures the site is located in a sustainable location close to the town centre, bus stops and shops and therefore planning policy does not require parking to be provided. However it is unrealistic to assume that none of the potential adult inhabitants of the property would not own a car. It is possible that each of the 2 and 3 bed flats could own 1-2 cars resulting in an additional 2-4 cars (3-5 potential cars minus 1-2 that the owners may currently have). This area is located just outside of the restricted parking area and therefore highly used for on street parking. The addition of at least two cars competing for parking spaces will result in unneighbourly competition for spaces to the further detriment of the enjoyment of their properties however it does not conflict with the adopted parking standards.

Nine cycle spaces are proposed to be provided which equate to one per occupant and no objection is raised to this.

In summary, the proposal meets the parking standards as they are set at a maximum and the site is within a sustainable location. No concerns are raised with regards to highways safety as the proposed driveway already exists and is not proposed to be changed.

The proposal therefore accords with policy CS11 of the Gravesham Core Strategy 2014 and policies T1 and P3 of the Gravesham Local Plan 1994.

Conclusion

1. The proposal is considered to be overdevelopment of the site, by virtue of the intensification of the use of the property by significantly increasing the number of occupants within the property in an area characterised by single-family dwellings, resulting in the loss of a family sized dwelling and a significant increase in activity over and above the surrounding residences, detrimentally impacting the amenity of surrounding residents through noise, disturbance, competition for parking and increased activity. Therefore, the proposal is contrary to Policies CS14 and CS19 of the Gravesham Local Plan Core Strategy (2014), Saved Policy H5 of the Local Plan First Review (1994) and Section 12 of the National Planning Policy Framework (2024).

2. The applicant has failed to provide any ecological evidence to inform a habitat regulations assessment to address the impact of the proposed development on the Thames Estuary and Marshes Ramsar site and

Special Protection Area (SPA) or offered a financial contribution towards the identified mitigation measures to address the impact of the development on the SPA/Ramsar site. The proposal is therefore contrary to Policy CS12 (Green Infrastructure) of the Gravesham Local Plan Core Strategy (2014) which seeks to ensure that detrimental effects on the integrity of SPA/Ramsar sites are avoided, and also contrary to Paragraphs 192 and 193 of the NPPF (2024), and the requirements of the Conservation of Habitats and Species Regulations 2017.

Recommendation:

Refuse

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

Case Officer:	Mrs Alison Webster	Team Leader:	Richard Hart
Signed:		Signed:	<i>R Hart</i>
Dated:	27 January 2026	Dated:	27th January 2026