

Delegated Report

Householder Planning Application

Planning Application No: 20260499

Location: 55 Darnley Road Gravesend Kent DA11 0SF

Description: Infill of existing swimming pool. Demolition of small outbuilding and erection of single storey outbuilding to form a gym.

Applicant: Mr Palvinder Jhamat

Site Visit Date: 05.06.2026

Submitted Documents/Plans

- Application form;
- Drawing no. 01 – Floor Plan & Elevations As Existing;
- Drawing no. 02 – Floor Plan & Elevations As Proposed;
- Drawing no. 03 – Site Location Plan;
- Drawing no. 04 – Block Plans As Existing & As Proposed; and
- Heritage Statement.

Relevant Planning History

Reference	Description	Decision	Decision Date
20000340	Erection of 0.9m high railings mounted on 0.9m high wall and entrance gates supported by 2.1m high brick pillars with associated landscaping and retention of block paving to front and rear garden.	Permitted	16.08.2000
20000522	Erection of an open pergola to sides of pool and covered pergola to rear of the pool with changing rooms, pump house and seating area.	Permitted	08.09.2000

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)

Emerging Local Plan as a Material Consideration

Paragraph 48 of the Framework makes it clear that planning applications can only be determined in accordance with the development plan, unless material considerations indicate otherwise. An emerging Local Plan, does not form part of the Development. The Framework, at Paragraph 49 allows local planning authorities to give weight to relevant policies in emerging Local Plans, according to:

- The stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the Framework, the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given to those policies.

West Oxfordshire District Council v Secretary of State for Housing, Communities and Local Government & Rosconn Strategic Land Ltd [2018] EWHC 3065 (Admin) is a High Court judgement that deals with the weight to be given to a Regulation 19 Local Plan. In this judgement the Court found that the weight to be given to an emerging Local Plan, was a matter of planning judgement, which had to be reached having fully considered the relevant part (Paragraph 49) of the Framework.

The Council’s emerging Local Plan, is in the process of being consulted upon (it has reached Regulation 19 stage), the Council is not yet aware of whether third parties will support or object to specific policies within the Plan, or whether they will consider the policies with the emerging Local Plan to be broadly sound and consistent with the NPPF (2024). Taking this into consideration, one can only conclude that at this stage of the process, **limited (i.e. minimal) weight should be afforded to the emerging Regulation 19 Local Plan**. This position would only change once the emerging Local Plan has progressed towards submission and examination, with the Council being fully aware of policies that are subject to unresolved objections and with knowledge of policies that have had their soundness and conformity against the Framework challenged.

This approach accords with the approach taken in a separate High Court case, Gladman Developments Ltd v SSHCLG & Corby Borough Council; & Uttlesford DC [2020] EWHC 518 (Admin) and Court of Appeal [2021] EWCA Civ 104, which was also the subject of a Court of Appeal Ruling [2021] EWCA Civ 104.

Consultations, Publicity and Representations

Consultees

No response:

- GBC Conservation Officer
- Ward Councillors

Neighbouring properties

4 surrounding properties were consulted plus site and press notices – overall consultation expiry date was 26.06.2026.

Officer’s Analysis

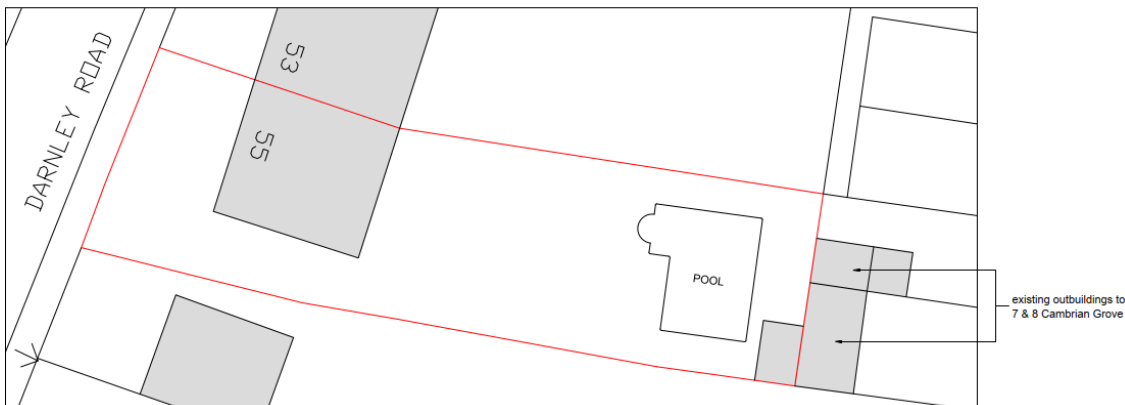
The application site consists of a two storey semi-detached dwelling situated in the Darnley Road Conservation Area.

The proposal is for the infilling of the existing swimming pool in the rear garden, demolition of the outbuilding and erection of a single storey outbuilding to form a gym.

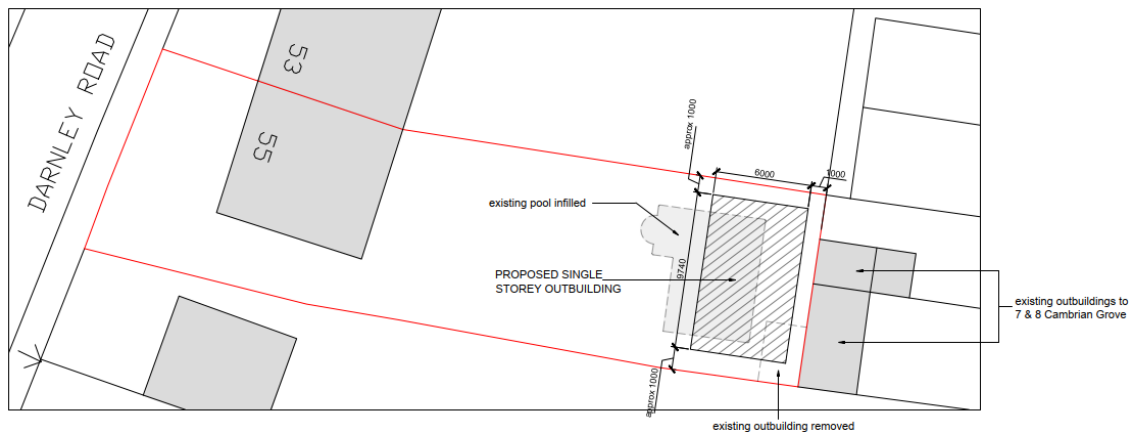
For ease of reference the existing and proposed block plans, elevations and floor plans are as follows:

Block Plans

Existing

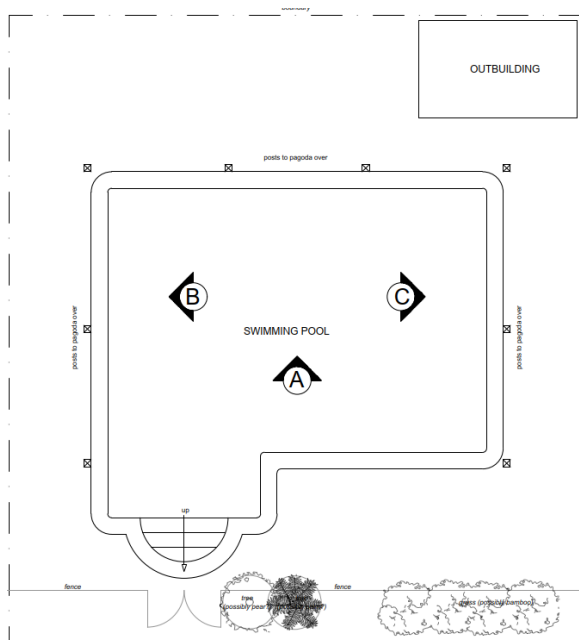


Proposed

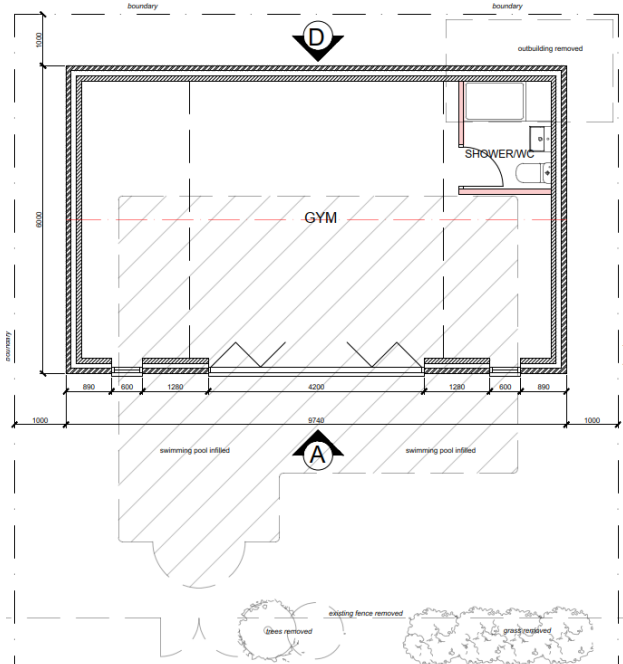


Floor Plans

Existing

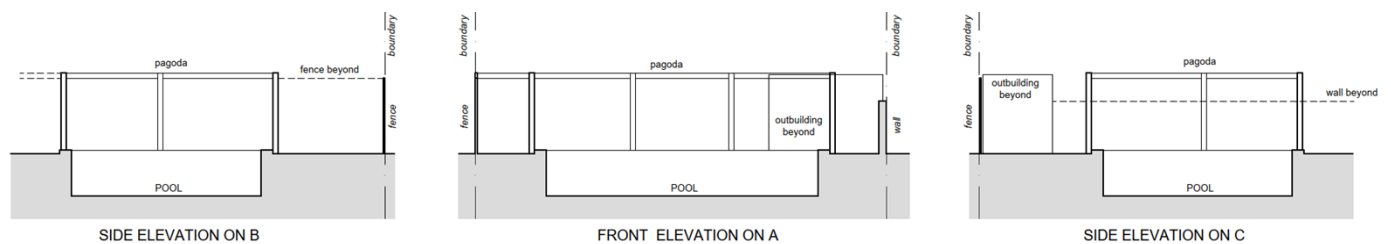


Proposed



Elevations

Existing



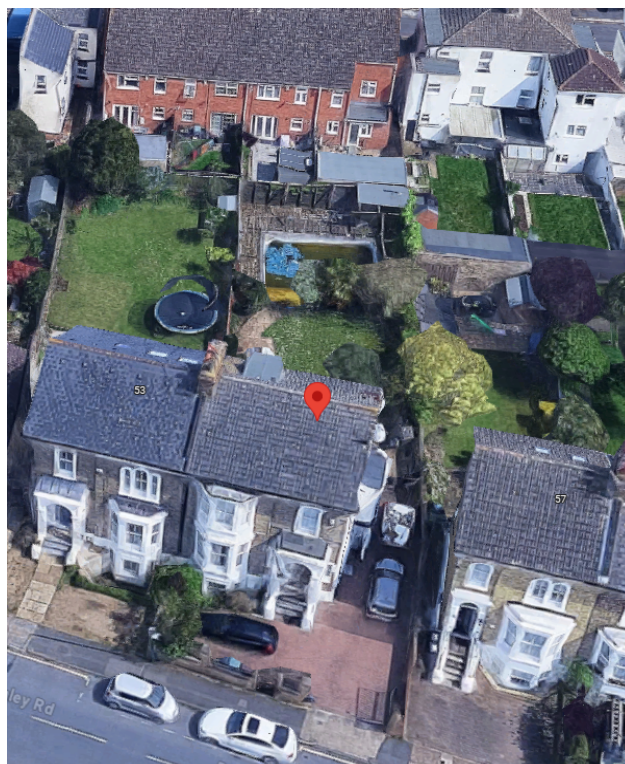
Proposed



The swimming pool would be infilled so that the surface would be level with the rest of the garden. The outbuilding would be 9.7m in width, 6m in depth and 4.3m in height to the top of the ridgeline of the pitched roof. In the front elevation it would have 6 panel bi-fold doors and two long length windows either side; there would be no other openings in the rear or both side elevations. The materials would be facing brickwork for the walls and tiles for the roof.

Principal

The site is in the urban area where development is encouraged. The principle of the development is therefore acceptable and compliant with Policy CS02 (LPCS) but the proposal also needs to be acceptable in respect of all other matters which will now be considered.



Design, Character and Appearance including Heritage

The Council's Householder Extensions/Alterations Design Guide (2021) states the following in respect of the design of outbuildings:

- Incidental to the enjoyment of the house;
- Should not deprive the existing property of adequate private garden space and should be subordinate in scale to the existing dwelling and to the plot;
- Factors such as scale, height, proximity to boundaries, roof design, finishing materials and

- prominence in the street scene or rear garden environment will be considered;
- Should not detract from the character of the area (especially important where the outbuilding will be visible from the street) and should be unobtrusively located to the side and rear of the existing dwelling;

It would be used as a gym and so would be a use incidental to the enjoyment of the house. The footprint of the dwelling is 81.65 sq. m and the footprint of the proposed outbuilding would be 58.22 sq. m. It would be single storey and the main garden area to the rear (excluding the proposed outbuilding) would still be 275 sq. m. Overall, therefore the outbuilding would be subordinate in scale to the existing dwelling and to the plot.

The outbuilding is considered a well-designed outbuilding, in terms of size, it is fairly large but not excessively so, although over 9m in width and 6m depth it would still be set in 1m from the rear and both side boundaries so within the context of the site it does not appear overly large. The total height would be 4.3m to the ridgeline of the pitched roof and the roof would then slope down from that to a 2.2m eaves height which is not excessive for a pitched roof, it is well designed pitched roof which would be in keeping with the pitched roof of the main dwelling. The materials of tiles and bricks would be sympathetic in keeping with the host dwelling. There would still be a large amount of rear garden available and arguably the outbuilding would be a more akin and sympathetic structure to what you would typically find in a rear garden than the existing flat roofed pagoda over the swimming pool. Due to its location at the bottom of the rear garden and vegetation, the outbuilding would not be visible from Darnley Road and so there would be no impact on the Darnley Road Conservation Area, but as stated the outbuilding is considered of acceptable design in any case.

Overall in respect of design, character and appearance the proposed outbuilding is considered to be compliant with Policies CS19 and CS20 (LPCS) and saved Policy TC3 (LPFR).

Amenity of Future Occupiers

After the proposal the garden area would be 275 sq. m and the rear garden depth would be 20m. It would therefore exceed the minimum standards for garden and rear garden depth as set out in SPG2 (2020).

In respect of the amenity of occupiers the proposal would be compliant with Policy CS19 (LPCS).

Neighbouring Amenity

The outbuilding would be located at the bottom of the rear garden where there are outbuildings to nos. 7 & 8 Cambrian Grove to the rear and to the side at no. 57 Darnley Road. The proposed outbuilding would not therefore have any impact on those three properties. The other dwelling to the north no. 53 Darnley Road has no outbuilding but as the proposed outbuilding would be located at the bottom of the rear garden of no. 55 Darnley Road, the outbuilding would have no impact on no. 53. There would be a 20m distance between the front elevation of the proposed outbuilding and the rear elevation of no. 53. As a single storey outbuilding with existing boundary treatments, the windows in the front of the outbuilding would have no impact regarding overshadowing, loss of light or outlook or overlooking to the windows in the rear of no. 53 and in any case as a non-habitable room (gym) the privacy distance would be exceeded as set out in SPG2 (2020) of 11m between habitable and non-habitable rooms.

No neighbour representations have been received.

Overall, therefore in respect of neighbouring amenity the proposal is considered compliant with Policy CS19 (LPCS).

Parking and Highways

The proposal would not affect the existing parking provision and would not add any additional bedrooms therefore no impact on parking and highways. In respect of this matter the proposal is considered

compliant with saved Policy P3 (LPFR).

Land contamination

The site is located in the Nine Elms Historic Landfill Site Buffer Zone but given the site is a swimming pool which is to be infilled there would be no contamination issues in this case as the earth has already been taking out but it is considered that a watching brief condition would still be prudent should permission be forthcoming. Subject to this the proposal would be acceptable in respect of land contamination and compliant with Policy CS19 (LPCS) in regard to this matter.

Archaeology

The site is in an area of Archaeological Potential but given the site is a swimming pool to be infilled, it is considered that the proposed outbuilding would not result in any harm to archaeology. In respect of archaeology the proposal is therefore considered compliant with saved Policy TC7 (LPFR).

Any Other Material Planning Considerations

None.

Conclusion

The proposal is acceptable in respect of principal, design, character and appearance including heritage, occupier and neighbouring amenity, parking and highways, land contamination and archaeology. As such the proposal is compliant with local and national planning policy.

Recommendation

Permission

(For detailed conditions and informatives, see draft Decision)

Case Officer:	Ms Rebecca Harrison	Team Leader:	Mrs Faye Walsh
Signed:	<i>Rebecca Harrison</i>	Signed:	
Dated:	7th July 2026	Dated:	09 July 2026