
Appeal Decision

Site visit made on 14th May 2025

by P H Wallace BSc (Hons) DipMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 June 2025

Appeal Ref: APP/K2230/D/25/3363512

59 Singlewell Road, Gravesend, Kent DA11 7PU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Deva against the decision of Gravesend Borough Council.
 - The application Ref is 20241159
 - The development proposed is a single storey rear/side flat roofed extension with roof lights.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear/side flat roofed extension with roof lights at 59 Singlewell Road, Gravesend, Kent DA11 7PU in accordance with the terms of the application, Ref 20241159, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Numbers P01 (existing and proposed location and block plans), P02 Rev A (All Plans – Existing) and P03 Rev A (All Plans – Proposed).
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows, doors or other openings shall be constructed on the south elevation.

Preliminary Matter

2. The development was originally described as, “Proposed single storey flat roof rear extension with skylights and alterations to rear fenestration.” The Council amended and shortened this to refer, inter alia, to a single storey rear/side extension. I note the appellant has used this wording on the appeal form. I have amended the description to include the Council wording while retaining reference to the flat roof. In my view this more accurately reflects the proposal.

Main Issue

3. Whether the proposed development would provide acceptable living conditions for existing and future occupants, with regard to the provision of private amenity space.

Reasons

4. The appeal relates to a narrow-fronted terrace property with a through-plan ground floor, incorporating a small kitchen and rear bathroom within an integral two-storey and single-storey rear projection. This element sits off the boundary with No. 61, creating a side passage enclosed by a medium-height boundary fence leading to a compact rear garden that, while smaller than some, is typical within the terrace. The upper floor comprises a front and rear bedroom, the latter providing access to a separate but small ancillary room with a rear outlook.
5. The proposed development would involve infilling the side passage with a single storey flat roofed addition and remodelling the internal accommodation to provide a new bathroom and larger kitchen. The Council identify that the loss of the passage would reduce the property garden size to 27sqm, well below the 60sqm minimum required by the Residential Layout Guidelines SPG for a three bedroom property and would therefore detrimentally affect the living conditions of existing and future occupiers.
6. The appellant contends the property should be considered as two-bedroomed, referring to the size of the ancillary room off the main rear bedroom as falling below the threshold sought for a single bedroom by the Technical housing standards – nationally described space standards. At the time of my site visit, this room appeared to be used as a dressing area and for storage incidental to the use of the rear bedroom. While it would be possible to physically sleep in the room, its modest size and restricted access, through another bedroom, lead me to conclude that its normal use is more likely to be as I viewed it and for this reason it would be reasonable to regard the property as two-bedroomed.
7. For a two-bedroomed dwelling, the SPG seeks a minimum garden area of 37.2sqm with a depth of at least 7.6m from the rear wall of the house. The evidence before me indicates the existing garden broadly complies with both elements of this standard. However, whilst the passageway to the side of the rear projection could serve some function for outside storage, which is a relevant factor in the SPG, it is narrow and has limited useability and functionality. While the development would reduce the square meterage to below the SPG requirement, the main and most useable part of the existing garden, being the area to the rear of the main wall of the house, would remain unaffected by the proposal.
8. I note the SPG acknowledges there may be exceptional circumstances where the minimum garden area can be modified. In this instance, having regard to the limited functionality of the passageway, I find the loss of garden area would not adversely affect the day to day needs of the occupants. In determining that a departure from the SPG standard is justified, I have also given some weight to the improved living conditions resulting from a larger, modernized kitchen, replacing the existing constrained floorspace.
9. For the above reasons and in respect of the provision of private amenity space, I find the proposal would provide acceptable living conditions for existing and future occupants. Accordingly, I find no conflict with Policy CS19 (Development and Design Principles) of the Gravesham Local Plan Core Strategy which indicates new development will provide appropriate levels of private amenity space and paragraph 135 f) of the National Planning Policy Framework (Framework) which

advises planning decisions should ensure developments create places with a high standard of amenity for existing and future users.

Other Matters

10. The Council has referred to an appeal decision (Ref: APP/K2230/D/23/3326998) concerning a four-bedroom property where the proposed extension resulted in a garden size and depth below the Residential Layout Guidelines SPG minimum standard. The Inspector determined the extension would create an undersized and impractical garden, conflicting with Policy CS19 and the Framework. Consistency in decision-making is important. However, I note that the cited proposal involved an extension that would have significantly reduced functional outdoor space. Given this distinction, I am satisfied the circumstances of that decision differ materially from the current appeal, which I must assess on its own merits. In this case, I find the proposal acceptable.
11. While concerns were raised by a local resident about a loss of daylight arising from the proposed extension, the Council is satisfied the development would not cause harm to the living conditions of neighbours. From my site visit, the proximity of the extension to No. 61 was noted. However, bearing in mind the limited projection of the extension above the boundary fence I agree with the Council that no unacceptable impact would arise. The Council were also satisfied that an encroachment of guttering and drains over the common boundary would not materialise and treated concerns about damage to neighbouring properties as a non-material planning issue. I have no reason to disagree with the Council's conclusions on these matters, although where compliance with the development plan was concluded, this is a neutral factor.

Conditions

12. In addition to the standard time limit condition, a condition specifying the relevant drawings provides certainty. The materials condition is necessary to protect the character and appearance of the area. The Council has suggested a condition to remove permitted development rights relating to the installation of any window, door or other form of opening in the south (side) elevation of the extension. This objective is reasonable in the interests of safeguarding the living conditions of neighbouring occupiers. However, the wording of the condition refers to the provisions of Classes A and G of Part 1 to Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015. While Class A relates to the enlargement, improvement or other alteration of a dwellinghouse, Class G covers the installation of a chimney, flue or soil and vent pipe which is unnecessary given the conditions stated purpose. I have therefore amended the wording from that proposed by the Council for clarity.

Conclusion

13. For the reasons given above I conclude the appeal should be allowed.

PH Wallace

INSPECTOR