



Delegated Report

Householder Planning Application

Planning Application No: 20250735

Location: 82 Cross Lane East Gravesend Kent DA12 5HB

Description: Retention of the raised deck, and proposed installation of 1.00m balustrade on the raised deck along with an increase in the height of the boundary fencing.

Applicant: Mr S Fincham

Site Visit Date: 04.09.25 (plus previous recent visit undertaken)

Submitted Documents/Plans

Application Form;
Supplementary Information – Planning Statement;
Drawing No. 4428 – 01 – OS Plan;
Drawing No. 4428 – 02 – Block Plan – Existing;
Drawing No. 4428 – 03 – Raised Decking Plan and Elevations – Existing;
Drawing No. 4428 – 04 – Block Plan – Pre- Existing;
Drawing No. 4428 – 05 – Floor Plans and Elevations – Pre-Existing;
Drawing No. 4428 – 06 – Block Plan – Proposed; and
Drawing No. 4428 – 07 – Floor Plans and Elevations – Proposed.

Relevant Planning History

Reference	Description	Decision	Decision Date
20241078	Retrospective application for retention of existing wooden privacy screen attached to existing boundary wall and fence.	Permitted	01.04.2025

Development Plan

Gravesham Local Plan Core Strategy (2014)

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS19 – Development & Design Principles

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)

Consultations, Publicity and Representations

Consultees

Local Ward Councillors

No comments received.

Neighbouring properties

Five surrounding properties were consulted, a site notice was displayed on 07.08.2025 and one representation was received. The overall consultation period expired on 29.08.25.

The representation objected to the proposal and is summarised below:

- Serious and ongoing loss of privacy and overlooking (garden and interior rooms).
- The proposed 1.00m balustrade does not remove the overlooking, it formalises a harmful vantage point.
- Overbearing and enclosure and loss of daylight/sunlight from additional fence height proposed. The existing (recently permitted) boundary fence is already unusually tall and oppressive. The additional fence height would intensify overshadowing to our principal sitting out area and compounding the sense of enclosure.
- The further height to the fence along the boundary would reduce natural light, especially early in the day.
- Cumulative harm to residential amenity.
- The fence is on our land and 100% our property. We do not consent any works to it. The incorrect ownership certificate has been signed on the application form.
- Pre-application advice is not determinative and did not cover the screen.
- Planning permission should be refused to protect neighbouring amenity.

The comments relating to design, character and appearance and neighbouring amenity are material planning considerations for this application and shall be considered within the relevant sections of this report. Other concerns are non-material planning considerations that are outside of the planning remit. However, these may fall under other legislation or a civil matter, e.g ownership concerns regarding Party Wall Matters, which fall outside of the planning remit.

Site Description and Context

82 Cross Lane East is a two-storey semi-detached property located to the southeast of the highway.



This is an application for the retention of the raised deck area constructed adjacent to the garage structure in the rear garden. In addition, a 1.00m balustrade is proposed around the edge of the decking area, and an increase in fence height along the shared boundary with No. 80 Cross Lane East. The increase in fence height is a further increase in fence height, following approval of application 20241078.

Proposed Development

As per the Planning Statement, the proposed development is as follows:

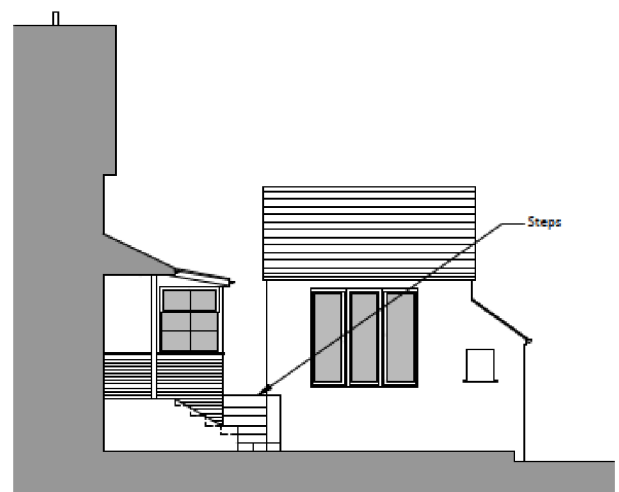
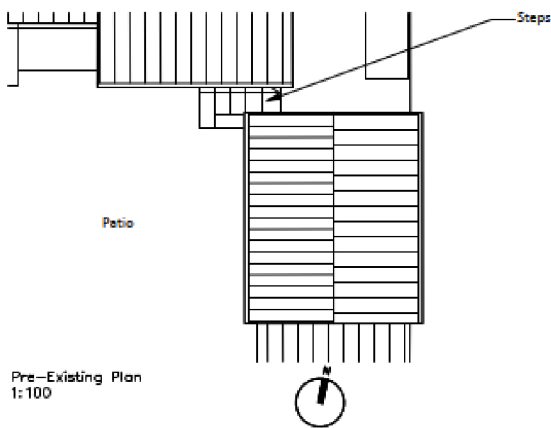
4 Proposed Development

4.1 The application entails the following elements:

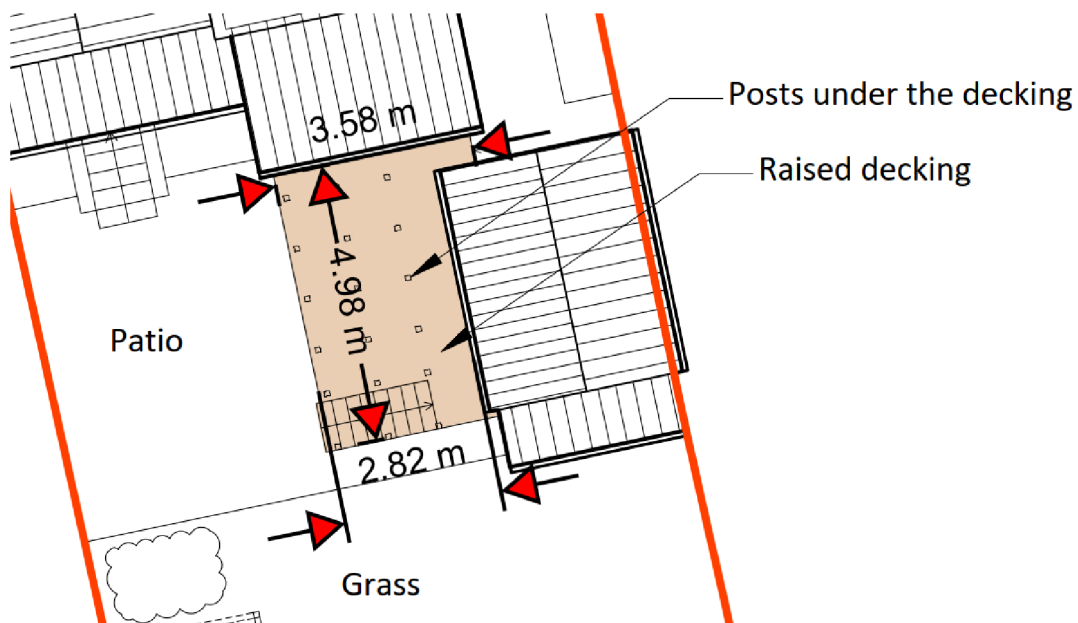
- Retention of raised decking covering an area of 13 sqm, the equivalent of 5.7% of the total rear garden (228 sqm)
- Retention of steps leading from garden to top of decking covering an additional area of 1.8 sqm
- Depth of 5m off back of property
- Average width of 2.8m, adjoining the detached outbuilding to east and set 4.7m from adjoining property at No.80 to the west
- Decking sits a maximum of 1.3m above the ground level
- Proposed additional wooden privacy screen attached to existing boundary wall and fence, measuring 2m deep and 0.85m to attach to the rear of the property on the boundary with No.80 to the west

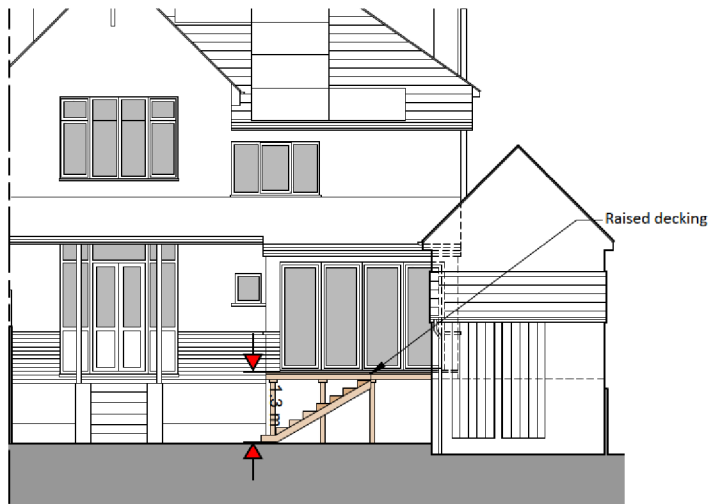
Case Officer measurements are indicated on the plans below in black and red:

Pre-Existing Plans

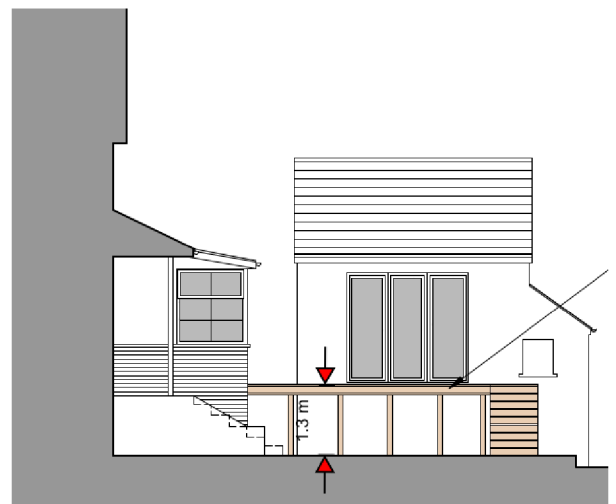


Existing Plans (with unapproved raised deck)



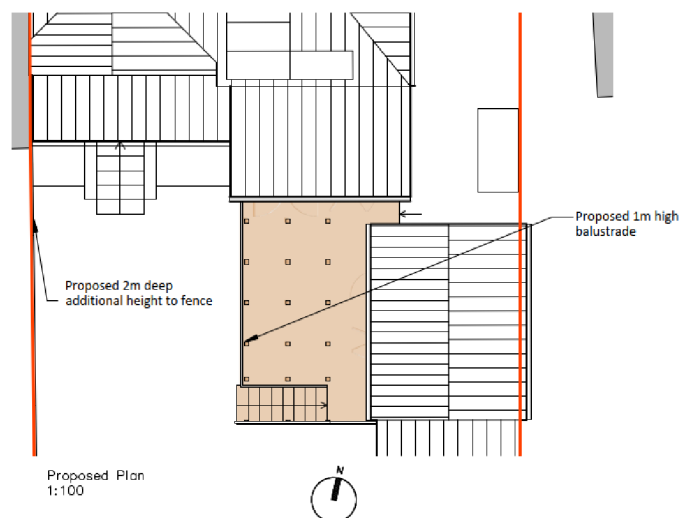


Existing Raised Decking Rear (South) Elevation
1:100

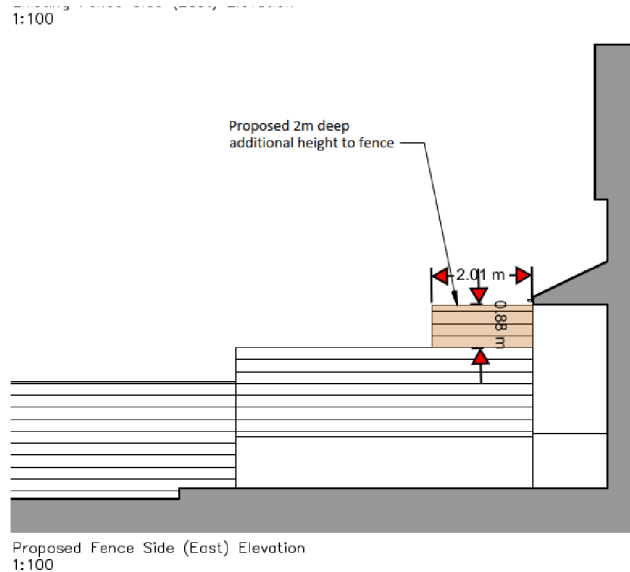
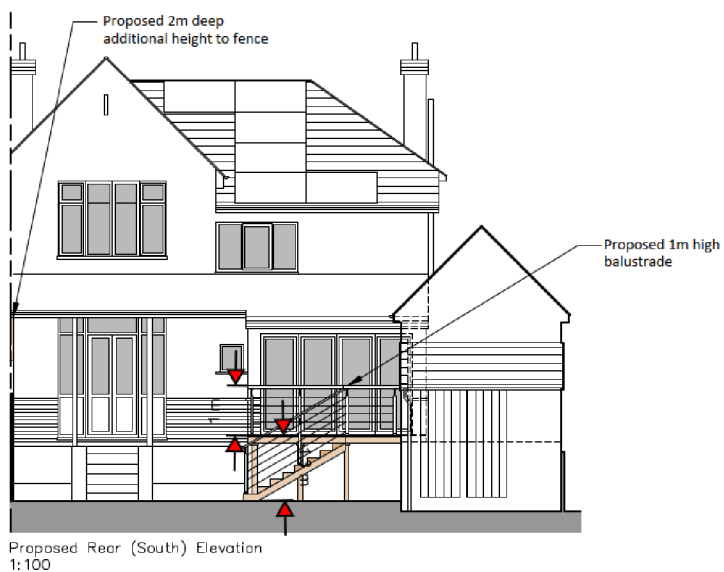


Existing Raised Decking Side (West) Elevation
1:100

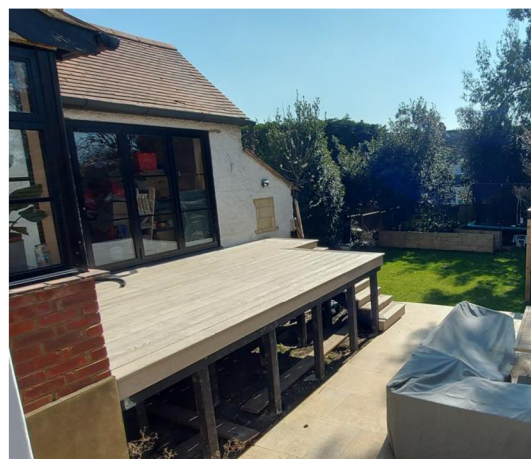
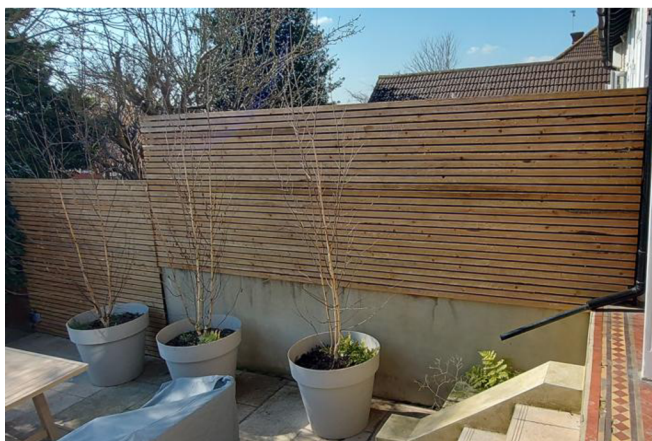
Proposed Plans (retention of deck and proposed balustrade, along with proposed additional height to fence)



Proposed Plan
1:100



Previous Application Site Visit Photos



View from raised decking area



Officer's Analysis

Design, Character and Appearance

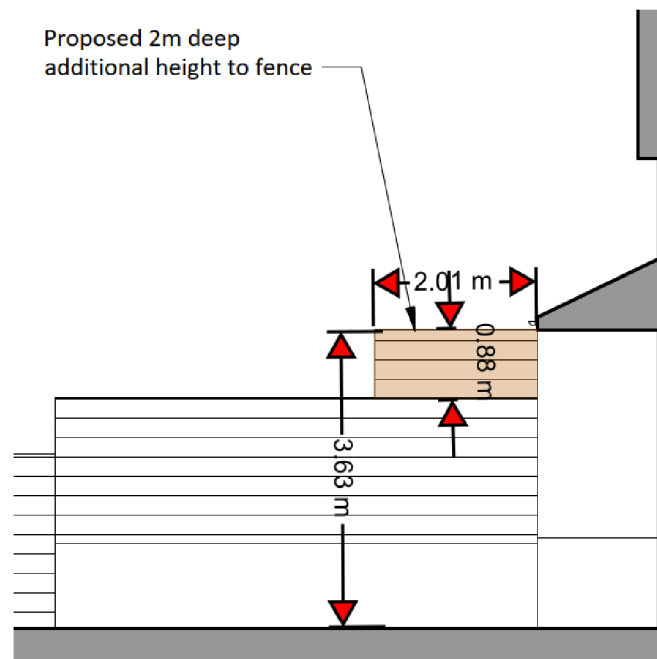
Policy CS19 (Development and Design Principles) (LPCS) (2014) states that new development will be visually attractive and locally distinctive. It should also conserve and enhance the character of the local built and natural environment and integrate well with the surrounding area. Moreover, Section 12 (Achieving well- designed places) of the NPPF (2024) sets out that the creation of high quality beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. It states developments should function well and add to the overall quality of the area, be visually attractive and sympathetic to local character.

The Design For Gravesham Design Code (2024) is a strategic document that sets out Gravesham's vision and expectation for quality place-making. Gravesham's Householder Extensions/Alterations Design Guidance SPD (2021) set out key principles for new developments. Generally, the SPD (2021) highlights the importance of new development complimenting and corresponding to existing character and the wider context.

The application site lies within the urban area of Gravesend, does not fall within a Conservation Area and the development is located within the rear garden of the property, which is not visible from the street scene.

Additional Height to Fence

As previously mentioned, approval was granted (application 20241078) for the retention of existing wooden privacy screen attached to the existing boundary wall and fence. During the assessment of application 20241078, it was noted that the height of the boundary treatment exceeded the allowance permitted under permitted development rights for householders. However, given the context of the site, with consideration of the land levels, and the staggered design of the privacy screen, it was found to be acceptable. This current application proposes a further increase in height (0.88m) at a 2.01m depth, starting from the rear elevation of the dwelling. According to the proposed plans, this would take the total fence height to 3.63m:



Although the development would not be visible from the street scene, the proposed additional fence height is not considered to be good design and it is considered to introduce an overbearing boundary treatment into the rear garden environment for the existing and adjacent property.

Decking Area and New Proposed Balustrade

In terms of the choice of materials, the decking area has been constructed with acceptable external materials that would not be uncommon within the rear garden environment. Materials for the balustrade have not been set out, however, this could be secured by condition if planning permission were to be forthcoming. The siting and height of the raised decking area, in situ, is not considered to be good design, as is apparent by the detailed plans provided, along with the visits to the site that have been carried out. Although this is an issue in terms of neighbouring amenity, as set out in Gravesham's Design Guidance SPD (2021), this is also an issue in terms of design:

Extensions and alterations to a home can be an economical way of ensuring it can meet a household's present and future needs. In seeking to meet such needs it is important to ensure that any extensions or alterations to a home are well designed, well-built and sympathetic to their surroundings. By doing so we can ensure that there are no adverse effects on the original house, immediate neighbours, the local view of the street, as well as the character and appearance of the local area.

In this instance, the alterations have not been designed to ensure there are no adverse impacts on surrounding properties.

Overall, it is considered that the height increase to the fence, along with the height and siting of the raised decking area is not considered to be good design, which is detrimental to the quality of the rear garden environment. As such the proposal fails to accord with Policy CS19 of the Gravesham Local Plan Core Strategy (LPCS) (2014) and Section 12 of the National Planning Policy Framework (NPPF) (2024).

Amenity of Future Occupiers

The decking area would provide an additional amenity space for future occupiers. As noted on the site visit, garden furniture is already positioned in situ.

In terms of the additional fence height, it is noted that the rear garden is at a lower level than the house and is accessed via a set of steps (see photos and plans). It is considered that the increase in fence height could impact the amenity of future occupiers in terms of light impact and domineering height. However, it is noted that the door/window immediately adjacent to the shared boundary is already inset, and the path of the sun would mean that further impact would be limited to the latter part of the day.



Although it is considered there would be some harm to amenity, on balance, the proposed development is considered to safeguard the amenity of future occupiers in accordance with Policy CS19 (LPCS) (2014) and Section 12 (NPPF) (2024).

Neighbouring Amenity

As aforementioned above, one response was received as a result of the consultation carried out for this application.

Neighbouring amenity is assessed in terms of causing a sense of enclosure, loss of privacy, loss of outlook or loss of light. Within Gravesham's Householder Extensions/Alterations Design Guide (Design SPD) (2021), there is a section on privacy:

Privacy

9.6 It is important that new development sustains the privacy of neighbouring dwellings. Windows, balconies and raised decking can result in the loss of privacy to neighbouring properties from overlooking of their private amenity areas, or from direct close views into windows. To ensure adequate privacy levels are retained, there should be no direct overlooking into neighbouring habitable rooms or private amenity spaces of neighbouring gardens. There may be a requirement for privacy screens to the end of raised decks or balconies. Careful consideration should be given to window positions to ensure no windows on the boundary with neighbouring properties cause harmful overlooking and to ensure that windows above the ground floor retain adequate privacy distances. It may be possible, in some cases, to use high level and obscure / translucent glazing.

Fence Increase

As aforementioned within this report, the previous application for an increase to the boundary treatment was found to be acceptable in terms of neighbouring amenity. However, a further increase of 0.88m at a 2.01m depth along the shared boundary, in situ, is considered to be harmful to neighbouring amenity. This is due to its dominating height, which would be overbearing and would likely cause a sense of enclosure.

Decking Area

It is noted there is a proposed 1.00m balustrade to surround part of the decking area. However, this would not sufficiently mitigate the impact of the development on surrounding properties. In situ, the raised decking area is considered to cause significant harm to neighbouring amenity. This is due to the height of the raised deck, along with its orientation, in relation to neighbouring properties. The development would cause unacceptable harm to neighbouring amenity in terms of unacceptable overlooking and perceived overlooking, contrary to Policy CS19 (LPCS) (2014) and Section 12 (NPPF) (2024).

Overall, the proposal is considered to be an unneighbourly form of development that would result in significant harm to neighbouring amenity in terms of the dominating and overbearing height of the fence; likely to cause a sense of enclosure, along with the unacceptable overlooking and perceived overlooking from the raised deck area. As such the proposed development fails to safeguard the amenity of future occupiers contrary to Policy CS19 (LPCS) (2014) and Section 12 (NPPF) (2024).

Parking and Highways

There are no concerns in relation to highways and parking that arise as a result of this proposal.

Any Other Material Planning Considerations

Conclusion

The application has been fully considered and fails to accord with local and national planning policy.

Overall, it is considered that the height increase to the fence, along with the height and siting of the raised

decking area is not considered to be good design, which is detrimental to the quality of the rear garden environment. As such the proposal fails to accord with Policy CS19 of the Gravesham Local Plan Core Strategy (LPCS) (2014) and Section 12 of the National Planning Policy Framework (NPPF) (2024).

Overall, the proposal is considered to be an unneighbourly form of development that would result in significant harm to neighbouring amenity in terms of the dominating and overbearing height of the fence; likely to cause a sense of enclosure along with the unacceptable overlooking and perceived overlooking from the raised deck area. As such the proposed development fails to safeguard the amenity of future occupiers contrary to Policy CS19 (LPCS) (2014) and Section 12 (NPPF) (2024).

Recommendation

Refusal.

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

Case Officer:	Mrs Lucy Hankin	Team Leader:	Richard Hart
Signed:		Signed:	
Dated:	9th September 2025	Dated:	16th September 2025