

Delegated Report

Householder Planning Application

Planning Application No: 20250100

Location: 5 Ashmore Gardens Northfleet Gravesend Kent

Description: Retention of conservatory in rear garden and the re-positioning of the boundary fence to a height of 1.8m along the side boundary of the property, to enlarge the rear garden area.

Applicant: Mr Ian Watson

Site Visit Date: 25.03.2025

Procedural Matters

The original application was submitted with the below description:

Retention of conservatory in rear garden

However upon closer inspection of the plans it transpired that the proposal also sought to reposition the existing boundary fencing to a height of 1.8m and enlarge the garden area. This alteration – whilst shown on the plans- was not explicitly stated in the description and so the application was readvertised to the neighbouring properties by way of a new description for the purpose of transparency.

Submitted Documents/Plans

- Application Form
- Drawing No: IW/01 (Site Location Map)
- Drawing No: IW/02 (Pre Existing/Existing Block Plan)
- Drawing No: IW/03 (Pre Existing Plans and Elevations)
- Drawing No: IW/04 (Existing Ground Floor Plan)
- Drawing No: IW/05 (Existing Rear Elevation)
- Drawing No: IW/06 (Existing Side Elevation)
- Drawing No: IW/07 (Existing Side Elevation)
- Drawing No: IW/08 (Existing Front Elevation)
- Planning Statement

Relevant Planning History

Reference	Description	Outcome	Decision Date
19960838	Erection of 61no. dwellings comprising of 18 no. two bedroom houses, 18 no. three bedroom houses and 25 no. four bedroom houses with associated garaging and parking spaces and formation and laying out of roads and 4 no. open space areas.	Permitted	30.09.1997

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS11 - Transport
- CS12 – Green Infrastructure
- CS18 – Climate Change
- CS19 – Development & Design Principles

Saved Policies in the Gravesham Local Plan First Review (November 1994):

- P3 – Vehicle Parking Standards

Paragraph 34 of the NPPF (2024) sets out those 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 The review 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 a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) general conform with the National Planning Policy Framework (2024), the Council will also seek to replace these.

Other material considerations

National Planning Policy Framework (2024)

- Section 2 – Achieving sustainable development
- Section 12 – Achieving Well-Designed Places

Supplementary Planning Guidance

- SPG2 - Residential Layout Guidelines (2020)
- SPG 4 - KCC Parking Standards (2006)
- SPD4 - Householder Extensions/Alterations Design Guide (2021)
- Design for Gravesham – Design Code (2024)

Consultations, Publicity and Representations

Local Ward Councillors

No comments received.

Neighbouring properties

The application was advertised by way of letters to 5 surrounding properties. The consultation period expired on 02.05.2025 and 8 comments were received.

There were three objecting comments and five supporting comments. The main objection raised were:

- Permission was not sought prior to works commencing
- Noise disturbance from works
- Impact on light levels
- Impact on Privacy
- Extension is disproportionate
- Neighbour not appropriately consulted when works carried out

- PD rights have been removed
- Extension breaches guidelines
- Fact it has already been built should not form a basis for it to be granted permission
- Development takes up more than 50% of the Garden
- Eaves height exceeds PD

The main points raised in the supporting comments were:

- In keeping with character of dwelling
- Matching materials enabled harmonious development
- Contained within plot and of appropriate scale
- Conservatory improves 'usability' of the dwelling
- High standard of design and materials
- Does not impact neighbouring properties or streetscape
- There is a lot of land on plot
- Lower in height than the garage
- Doesn't block out neighbouring light
- Other conservatories on Foxberry walk and Ashmore gardens
- Neighbours are supportive of extensions except for one
- Penalising this conservatory means everyone else should remove their conservatories too

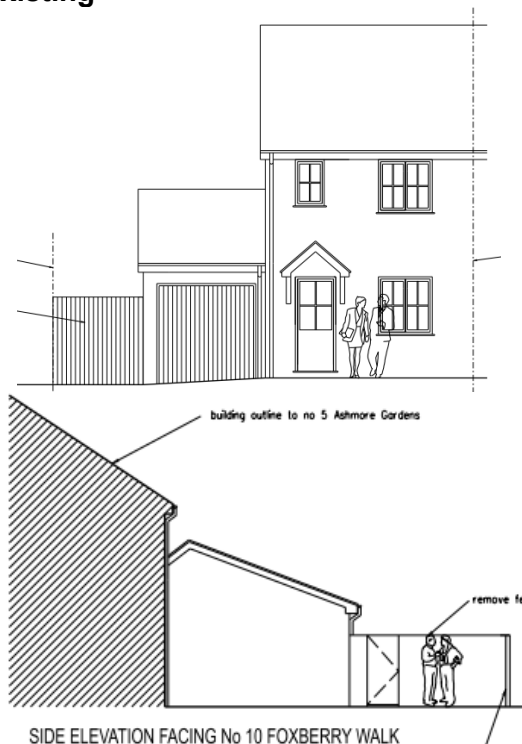
Some of the concerns raised are not material planning considerations and will not form part of the decision-making process.

Analysis

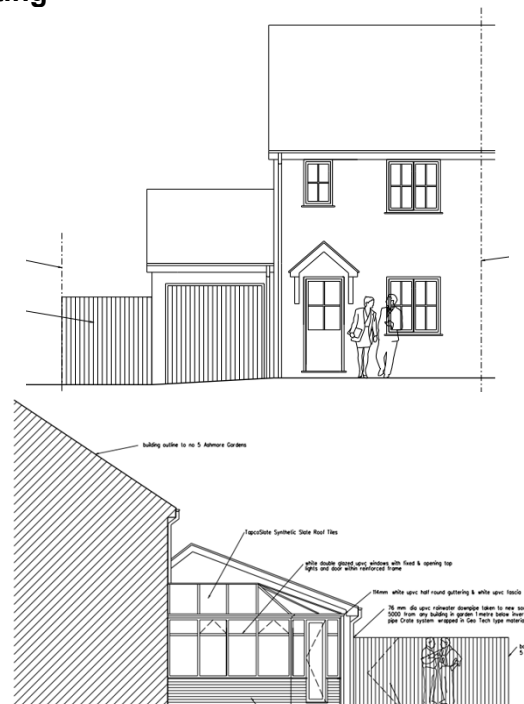
Proposal

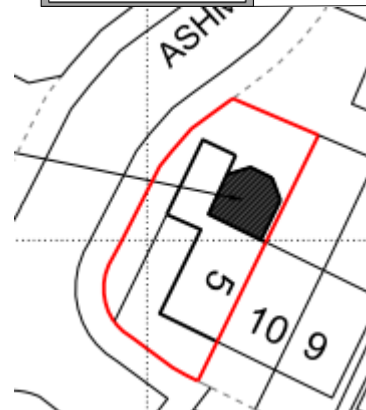
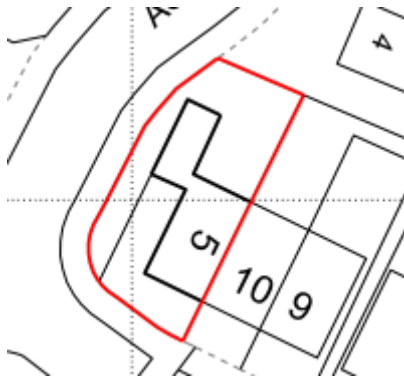
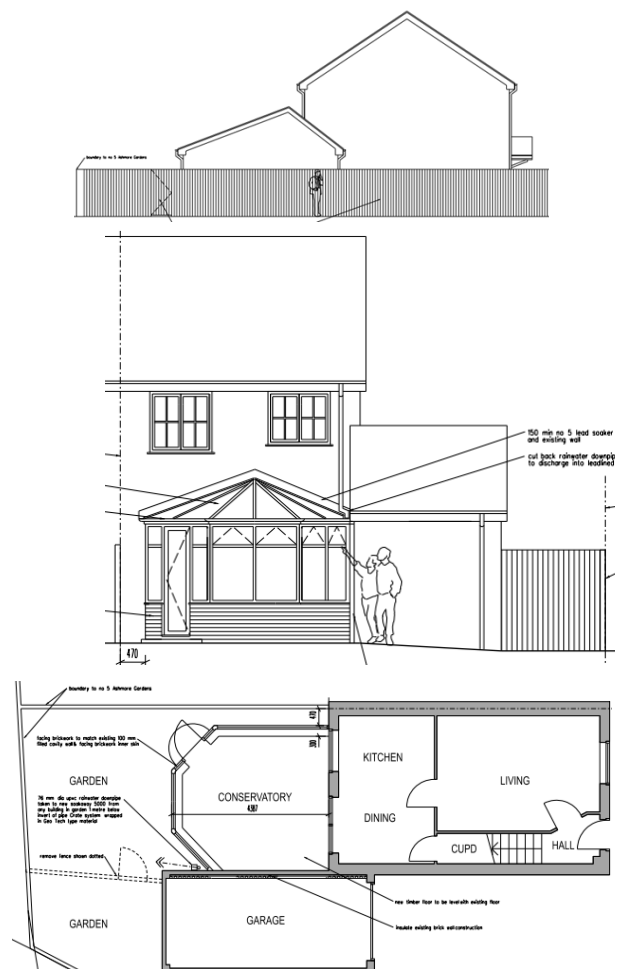
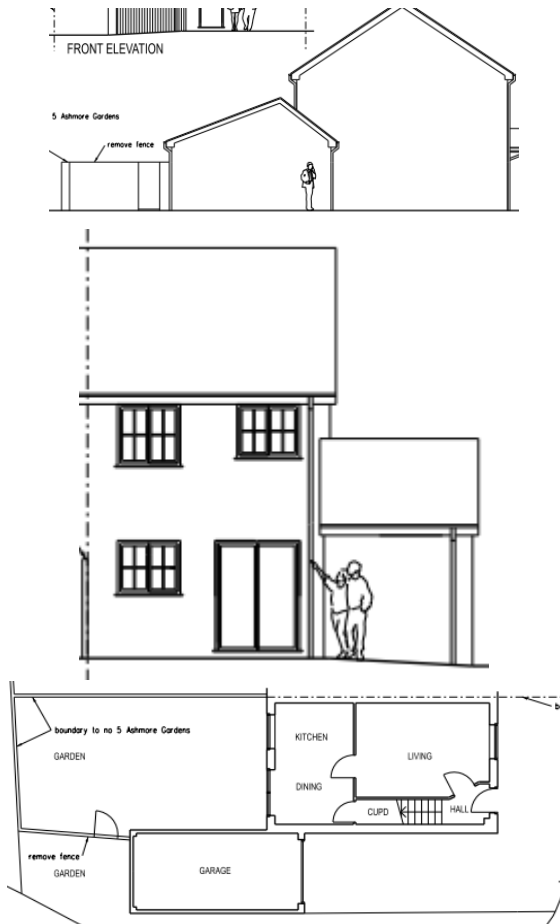
The proposal seeks to retain and existing rear conservatory which has been erected without the benefit of planning permission and to reposition the existing boundary fencing with a view to increasing the garden space.

Pre Existing



Existing





Background

It should be noted that under the original planning permission for this dwelling under reference 19960838 Class A permitted development rights were removed:

(xiv) Notwithstanding the provisions of Article 3 of and Part 1, Classes A, B, C & D and Part 2, Class A of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (as amended) or any provision in any equivalent class in any subsequent act revoking or re-enacting that Order, the following alterations and extensions shall not be carried out no plots 8, 9, 10, 11, 12, 13, 14, 15, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 58 and 59 identified on Drawing No. GRVD-02, revision E:-

- the enlargement, improvement or other alteration of a dwellinghouse;
- the enlargement of a dwelling consisting of an addition or alteration of its roof;
- any other alterations to a roof;
- the erection or construction of a porch outside any external door of a dwellinghouse;
- the erection, construction, maintenance or improvement or any other alteration of a gate, fence, wall or other means of enclosure.



As such planning permission is required for the erection of an extension as there are no permitted development allowances or subsequent permitted development fall back position due to the restrictive size of the garden areas.

Character and Appearance

The application site is a modest two storey end of terrace house situated on a prominent corner position within a cul de sac.

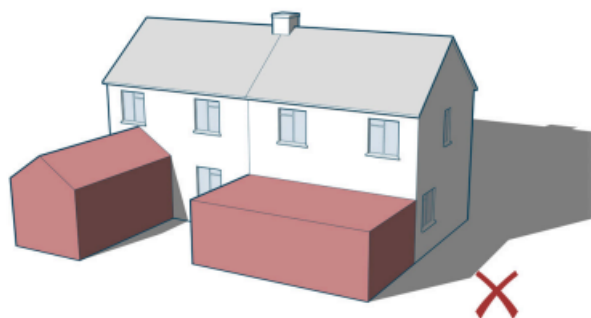


As can be seen from the above image the conservatory is highly visible from the streetscene upon entering Ashmore Gardens. It is noted that there is a single storey rear projection at No. 7 Foxberry Walk, which does not have the benefit of planning permission. Upon inspection it would appear that extension has been in situ since at least 2003 thus making it lawful through the passage of time. This extension is not comparable to the one constructed at the application site due to the size of the plots on which these dwellings are situated on.

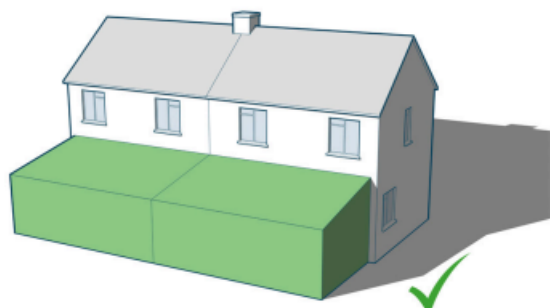


There are other examples within the vicinity on larger plots. However these have been granted planning

consent and it should also be noted that these would have been permitted under previous planning policy. As of 2021 Gravesham Borough Council adopted its SPD4 – Householder Alterations and Extensions Guidance 2021. Below is an extract from the adopted design guide:



Inappropriate scale.



Appropriate scale and roof design ensures both extensions work together.

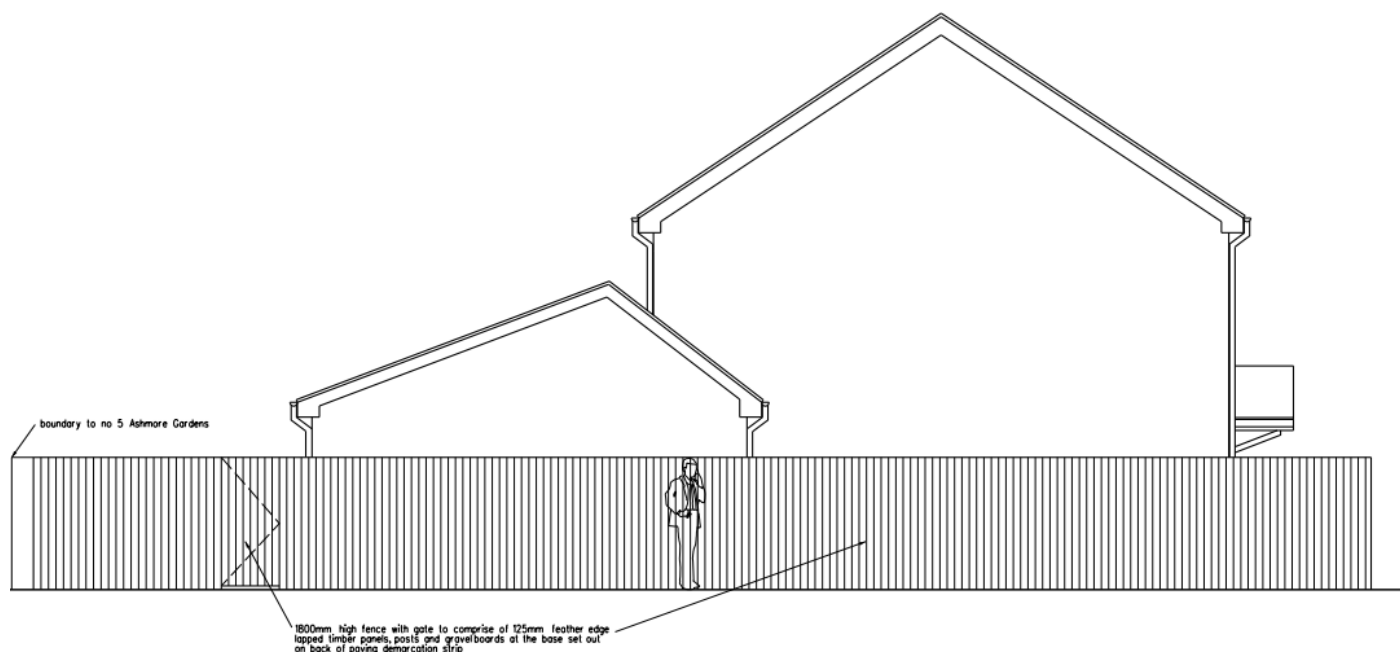
In terms of appearance the conservatory appears large and prominent and is an incongruous addition to the host dwelling. It is considered that the size and scale of extension is excessive in relation to the dwelling and the plot it is situated on.

Furthermore the extension is highly visible from public vantage points and it appears overbearing in the streetscene due to its scale in relation to the dwelling on which it is situated.

The proposal further seeks to reposition the existing 1.8m boundary fence along the entire western edge of the garden, to the rear of the pavement and therefore this would require the benefit of planning permission. The relocation of the fencing will result in the loss of the existing greenery which divides the edge of the footway and the existing fence.



The existing greenery offers a buffer which softens the existing streetscene and the loss of such a feature will result in the street having an urbanised feel which is harmful to the existing character. It is noted that some of the properties within the vicinity have hard paved their frontages which has led to a detriment to the appearance of the area.



On balance, it is considered that the conservatory has resulted in a cramped over-development of the site and due to its prominent location and high visibility it is out of keeping with the character and appearance of the layout of the terrace in which it is situated. The proposed relocation of the boundary fence will result in the loss of soft landscaping which will further harden and harm the existing character and appearance of the streetscene. The proposal is therefore considered to be contrary to the requirements of CS19 Local Plan Core Strategy 2014 and SPD4 – Householder Alterations and Extensions Guidance 2021.

Amenity of Future Occupiers

Para 09.10 of the Council's adopted design guidance states:

Extensions should maintain a garden area that allows for practical use and reflects the established character of the area and the size of the house.

The below extract from SPG2 – Residential Layout Guidelines 2020 states:

Table 2

Accommodation with :	Minimum garden area (sq. metres)	Minimum depth from rear wall of house (metres)
1-2 bedrooms	37.2	7.6
3 bedrooms	60.0	10.0
4 or more bedrooms	100.0	10.0

- Garden Space: Adequate garden area for the enlarged house should be retained following development

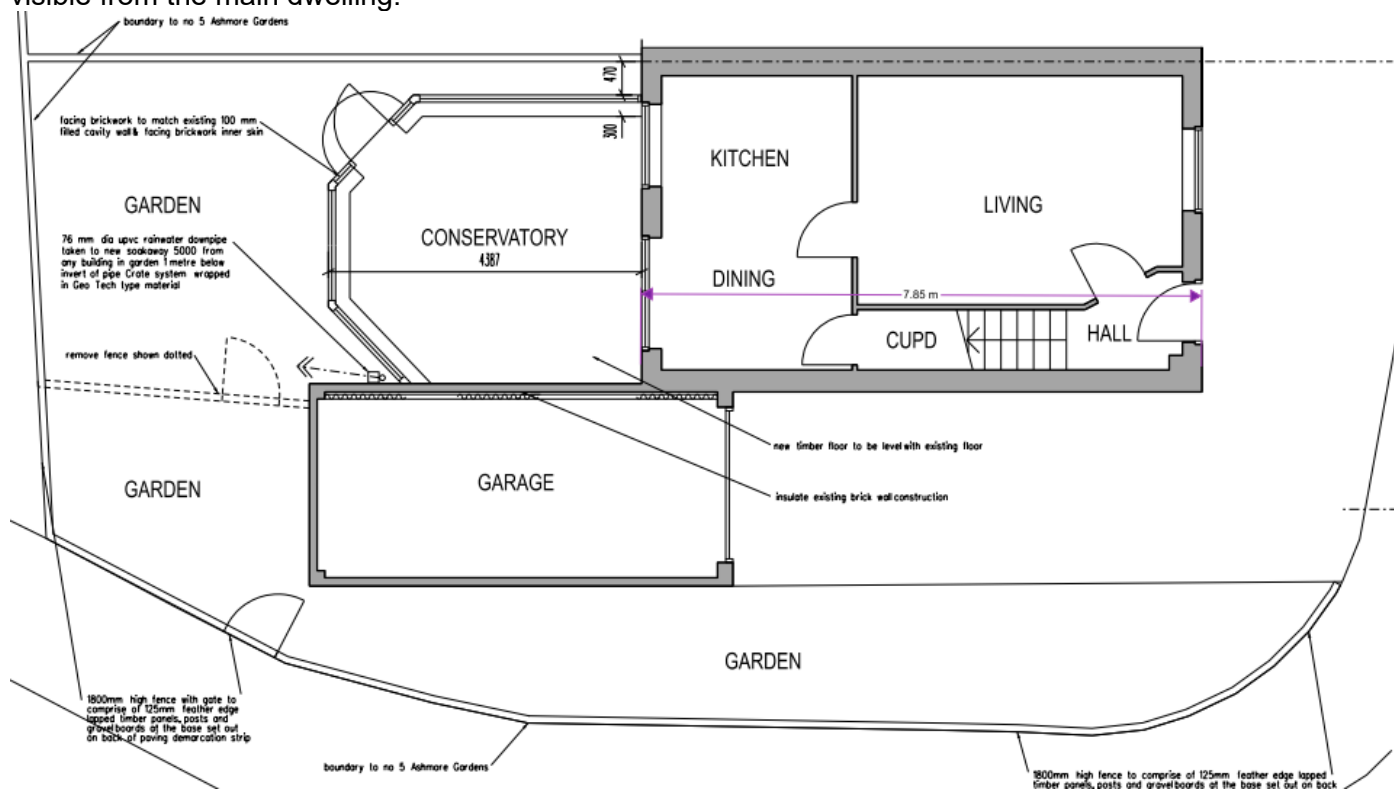
The resultant garden space equates to circa 55.6sqm with a depth of approx. 4m, and whilst this may fall with the adopted standard is it important to note that a significant proportion of the garden area is not

considered to be useable garden space. The boundary fence has been relocated to the rear of the pavement in order to create more private amenity space in an attempt to compensate for the loss of the garden resulting from the conservatory. The area to the side of the garage is only 1.8 metres wide which limits its usability. It will also be a relatively dark and unappealing space due to it being bordered by the flank wall of a garage on one side, and the 1.8 metre high fence on the other.

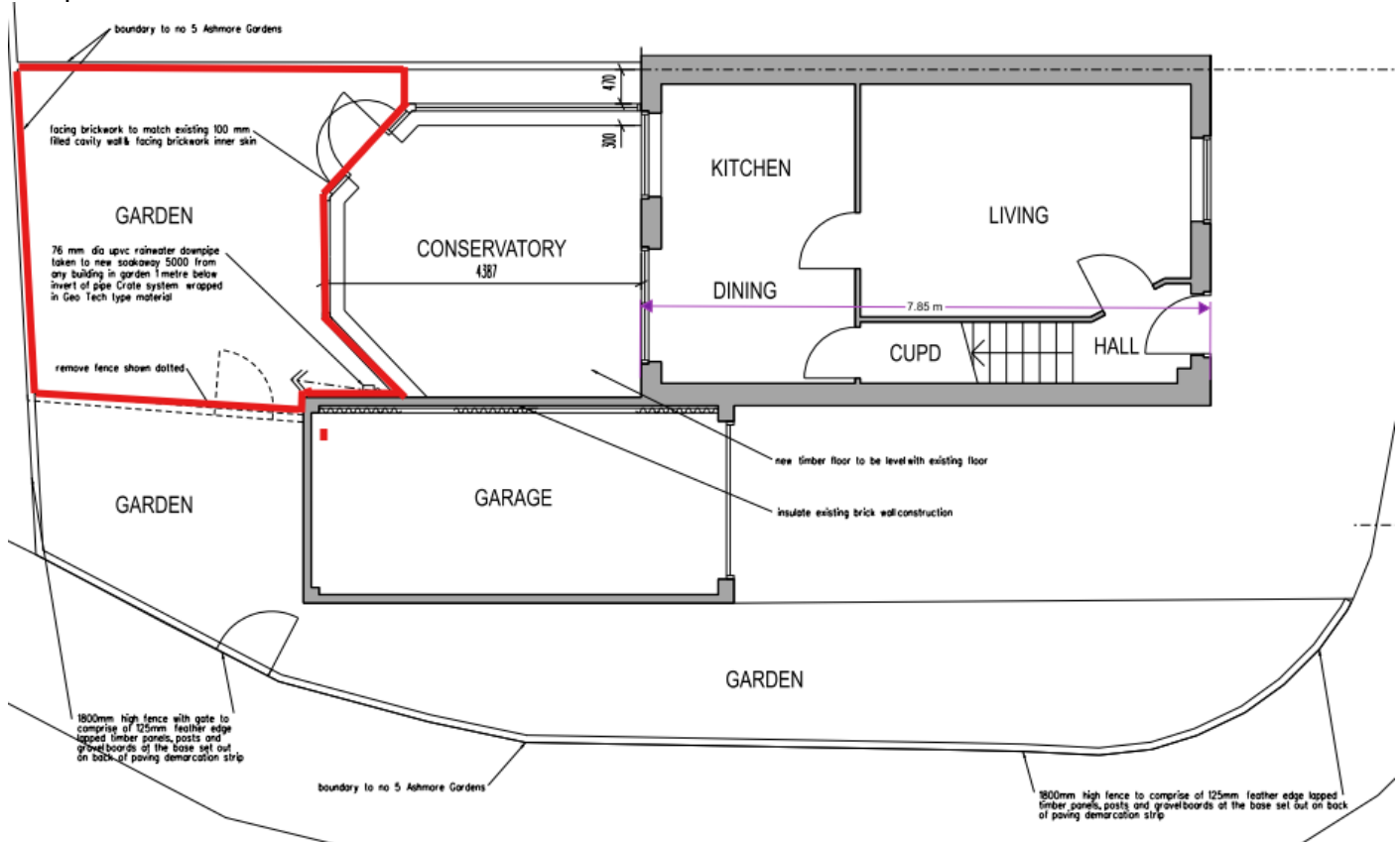
In a similar circumstance an appeal (Reference 2023/00040/REF) was upheld in favour of the local planning authority (See Appendix 1) in relation to poor quality amenity space whereby the planning inspector stated that:

Moreover, the garden is irregular in shape and wraps around the garage. As such, the main garden area would have a much shorter depth and a large section of the garden would be sited behind the garage. Given the modest size and orientation of the garden, it would be impractical to use large sections of the garden as play space or for the drying of clothes, as identified in paragraph 13 of the SPG.

The below image shows a large proportion of garden area being situated to the side of the garage and not visible from the main dwelling.



Below the area outlined in red is considered to be the useable garden curtilage which equates to circa 20sqm which is below the minimum standard.



The below image shows the extent of the useable garden space.



It should be noted that even if the amenity land were to be incorporated into garden space, the useable garden area would still be substandard as the section which would run between the footpath and garage area would not be deemed useable.

Para 135f of the National Planning Policy Framework 2024 places emphasis on the “*creation of places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.*”

CS19 of the Local Plan Core Strategy 2014 similarly states:

New development will be located, designed and constructed to:

- *safeguard the amenity, including privacy, daylight and sunlight, of its occupants and those of neighbouring properties and land.*

The conservatory has resulted in an unacceptable and cramped amenity space for future occupiers. The proposal would therefore fail to provide a high standard of amenity for future users, which would conflict with the requirements of SPD4 – Householder Alterations and Extensions Guidance 2021, SPG2 Residential Layout Guidelines (2020), Policy CS19 of the Gravesham Local Plan Core Strategy 2014 and paragraph 135f of the National Planning Policy Framework 2024.

Neighbouring Amenity

The extension is located approx. 0.4m from the boundary line shared with the adjoining property. The structure is mainly glazed which is characteristic of a conservatory, it has a low-level wall and glazing around all of the external edges, it is finished with a pitched tiled roof.

In terms of loss of light and outlook the only property which is liable to be impacted would be No.10 Foxberry Walk. Given the path of the sun it is considered the conservatory would not result in any overshadowing. The below image shows there is already overshadowing experienced by the afternoon sun due to the orientation of the homes.



The extension is located away from the common boundary and not excessive in terms of its height and therefore there is not any detrimental loss of outlook.

In terms of privacy there is boundary treatment in place which offers adequate screening to maintain neighbouring privacy.



The proposal is considered to safeguard neighbouring amenity in line with the requirements of CS19 Local Plan Core Strategy 2014 and SPG2 Residential Layout Guidelines 2020.

Parking and Highways

Whilst the proposed extension will not directly impact parking arrangements there are concerns relating to the relocation of the fencing which will be at a height of 1.8m on an access/turning area.



The repositioning of the fencing would impact the visibility of highway users, especially those entering/exiting the access towards Foxberry Walk. The present arrangement comprises some planting, however it is not a vast and fixed unbroken surface which would be detrimental to road users. The existing arrangement still offers some visibility.



It is considered that the relocation of the fencing would result in a loss of visibility on a junction and result in harm to highway safety contrary to the requirements of CS11 Gravesham Local Plan Core Strategy and SPD4 – Householder Alterations and Extensions Guidance 2021.

Conclusion & Recommendation

The proposal is recommended for refusal owing to the below grounds:

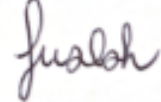
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(For detailed reasons for refusal and informatives, see draft Decision)

Case Officer:	Mrs Sharon Sahota	Team Leader:	Mrs Faye Walsh
Signed:		Signed:	
Dated:	02.04.2025	Dated:	03 July 2025