



Delegated Report

Householder Planning Application

Planning Application No: 20260529

Location: 19 Davys Place Gravesend Kent DA12 4DL

Description: Erection of a summerhouse in rear garden including installation of associated air conditioning unit.

Applicant: Mr Jonathan Adcock

Site Visit Date: N/A

Preliminary Matters

During the course of the application, it was noted that the plans showed the proposed installation of an air conditioning unit in association with the summerhouse. As such, the agent was contacted in order to request additional information, and GBC Environmental Protection Team were consulted on the application. Revised plans were also provided by the agent denoting that the air conditioning unit would be ground based rather than wall mounted.

The application description was altered slightly in order to specifically include the air conditioning unit. Furthermore, the elevations indicated that there was a height discrepancy. The agent was contacted and the height of the outbuilding on two of the elevations were reduced. In this instance, it was not considered necessary to carry out reconsultation as the revised plans only included minor changes.

Submitted Documents/Plans

Application Form;
Supplementary Information – Aircon Unit Photo;
Supplementary Information – Aircon Unit Details;
Drawing No. JA01 – OS Plan;
Drawing No. JA02 – Block Plan – Existing and Proposed;
Drawing No. JA03 – Garden Floor Plan and Elevations – Existing;
Drawing No. JA04A – Summerhouse Floor Plan – Proposed;
Drawing No. JA05B – North and West Elevations – Proposed;
Drawing No. JA06B – South and East Elevation – Proposed; and
Drawing No. JA07 – Section A-A.

Superseded Documents/Plans

~~Drawing No. JA04 – Summerhouse Floor Plan – Proposed;~~
~~Drawing No. JA05 – North and West Elevations – Proposed;~~
~~Drawing No. JA06 – South and East Elevation – Proposed;~~
~~Drawing No. JA05A – North and West Elevations – Proposed; and~~
~~Drawing No. JA06A – South and East Elevation – Proposed.~~

Relevant Planning History

Reference	Description	Decision	Decision
-----------	-------------	----------	----------

			Date
20160524	Erection of a two storey side extension and single storey rear extension to form a new garage, utility room and additional bedroom ensuite of the first floor.	Permitted	30.08.2016
19550183	Erection of five dwellinghouses	Permitted	07.11.1956

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

As set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012 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

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 (2026), the Council will also seek to replace these.

Other material considerations

National Planning Policy Framework (2026)

- Section 4 -Achieving Sustainable Development
- Section 5 – Meeting the challenge of climate change
- Section 12 – Making Effective use of land
- Section 14 – 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)
- Technical Housing Standards – Nationally Described Space Standard (2015)

Emerging Local Plan as a Material Consideration

Section 38(6) of the Planning and Compulsory Purchase Act 2004 (Planning and Compulsory Purchase Act 2004) and section 70(2) of the Town and Country Planning Act 1990 (Town and Country Planning Act 1990) make it clear that planning applications can only be determined in accordance with the development plan, unless material considerations indicate otherwise.

Decision Making Policy DM4 of the Framework sets out that when considering development proposals, relevant policies may be given weight, however, this is subject 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 compliance of the relevant policies in the emerging plan with the policies for plan-making in this Framework (the closer the policies in the emerging plan to the policies in this Framework, the greater the weight that may be given to them).

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 of the Framework, which from 17 August 2026 Decision Making Policy DM4 of the Framework.

The Council's emerging Local Plan has reached the Regulation 19 Consultation stage, with the consultation having ended on 18 August 2026. The emerging Local Plan does not form part of the Development Plan. The Council is aware that third parties have raised objections to the wider emerging Local Plan and specific policies within it. Therefore, at present the Council cannot categorically state that the emerging Local Plan can be considered sound and consistent with the National Planning Policy Framework (2024) [as an emerging Local Plan being brought forward under the legacy system, it would be examined under the 2024 Framework]. 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

GBC Environmental Protection

The submitted information regarding the A/C unit has been reviewed. The technical specification indicates a noise level of 50dB running on cool mode (heat is a bit quieter). Bearing in mind the distance to the façade of the adjacent house, noise levels should drop off to a reasonable level such that it shouldn't be audible above the background noise in the area. At 50dB, the noise level isn't above what would be expected for noise in a garden (WHO guidance and BS8233).

However, we would usually require that any new plant/equipment is 10dB below existing background – particularly if being used at night. This area will be quiet as it backs onto fields etc. This is our standard condition:

External Noise:

A noise impact assessment shall be carried out and submitted to the LPA for approval demonstrating that:

The rating noise from fixed building services/mechanical plant/equipment, including any air systems, associated with the development shall be at least 10dB below the existing LA90 background level at the nearest noise sensitive receptors (i.e. dwellings) when measured and assessed in accordance with BS4142:2014 +A1:2019

Shorne Parish Council

The Parish Council has no objection in principle to the proposal, subject to there not being significant concerns raised by neighbours, but has the following comments:

- No other garden structures are shown on the plans.
- The purpose of the proposed building is not stated but an air-conditioning unit is noted.
- The proposed building is located very close to the boundaries which will compromise any on-going maintenance needs.
- It needs to be clarified with National Highways as to whether the relocated gate giving access to the amenity strip and their land is allowed.

Dickens Country Protection Society

The Society has no objection to the application but would suggest, if consent is granted, there are conditions controlling residential use.

Local Ward Councillors

No comments received.

Neighbouring properties

Two surrounding properties were consulted, a site notice was displayed on 03.06.26 and no representations were received. The overall consultation period expired on 06.08.26.

Site Description

The application property is a two-storey detached property. This application proposes the erection of a summerhouse in the rear garden including installation of associated air conditioning unit.

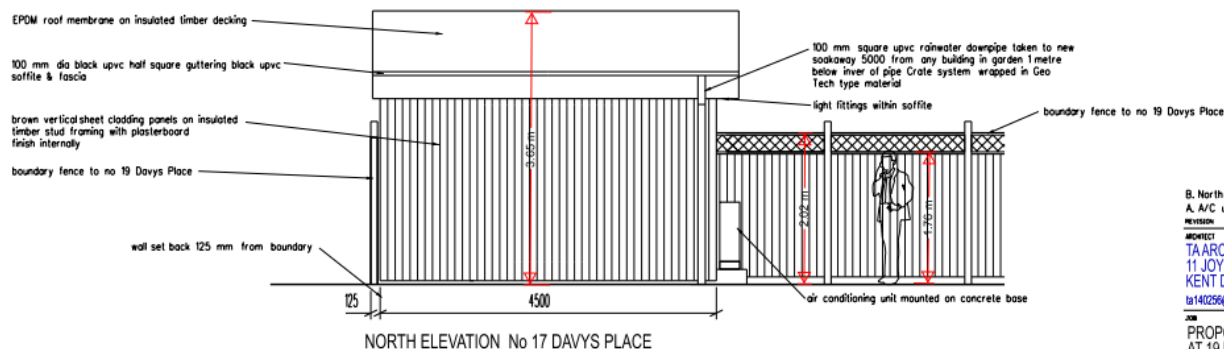
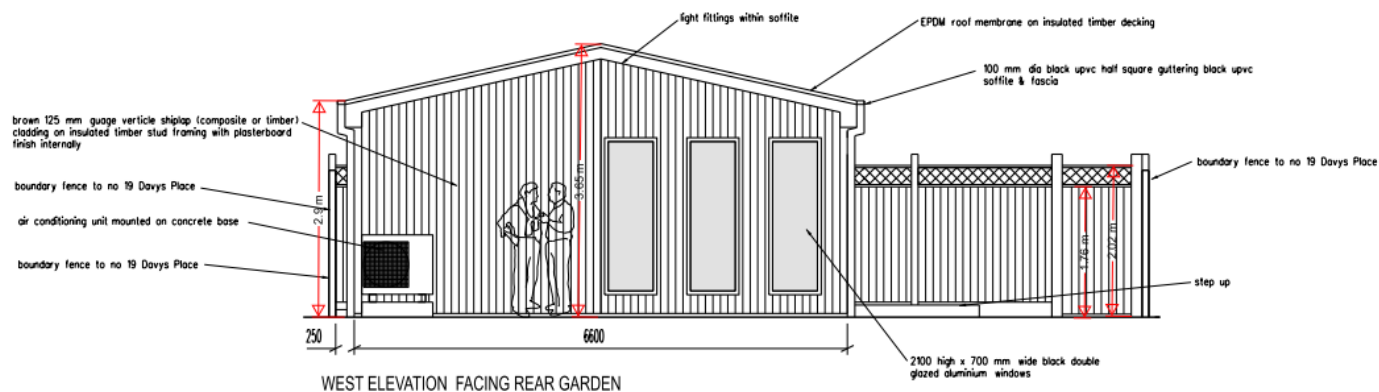
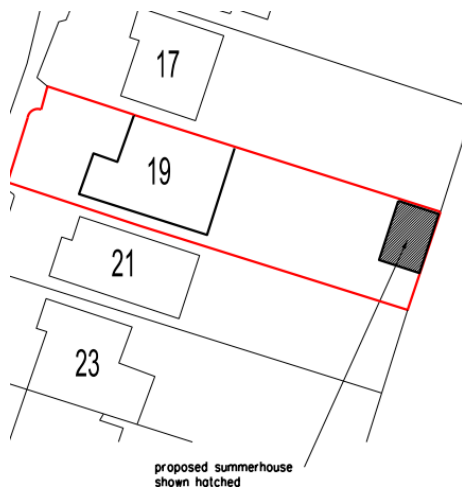
Google Image



Proposed Development

Case officer measurements are indicated on the plans below:

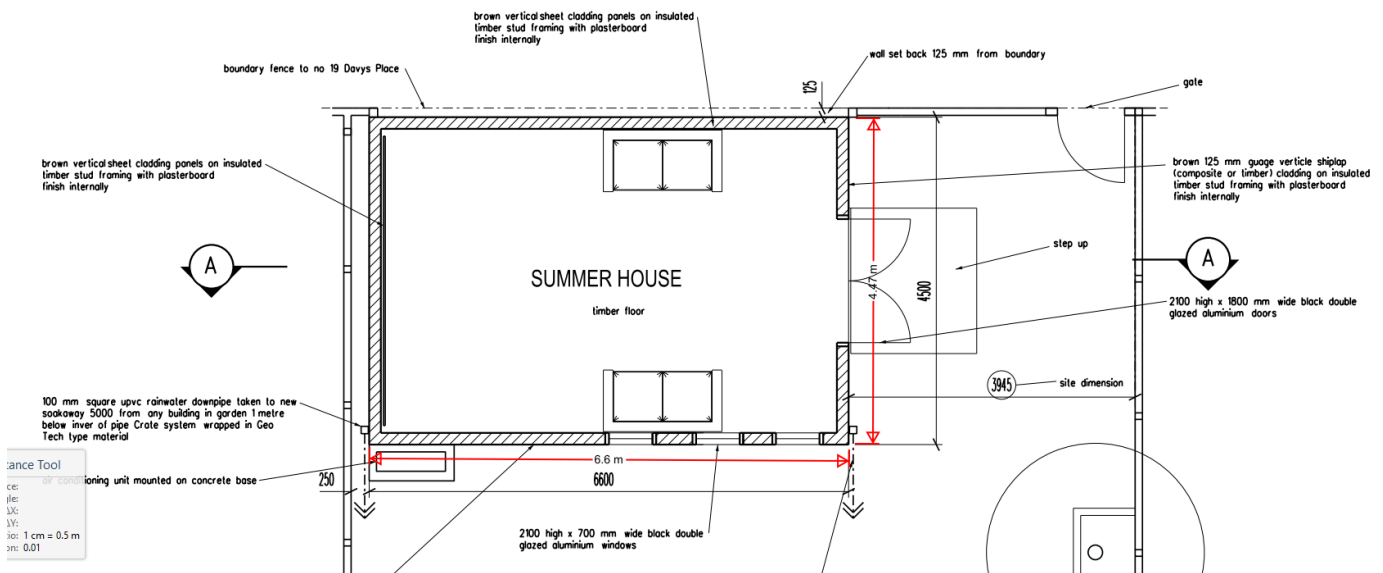
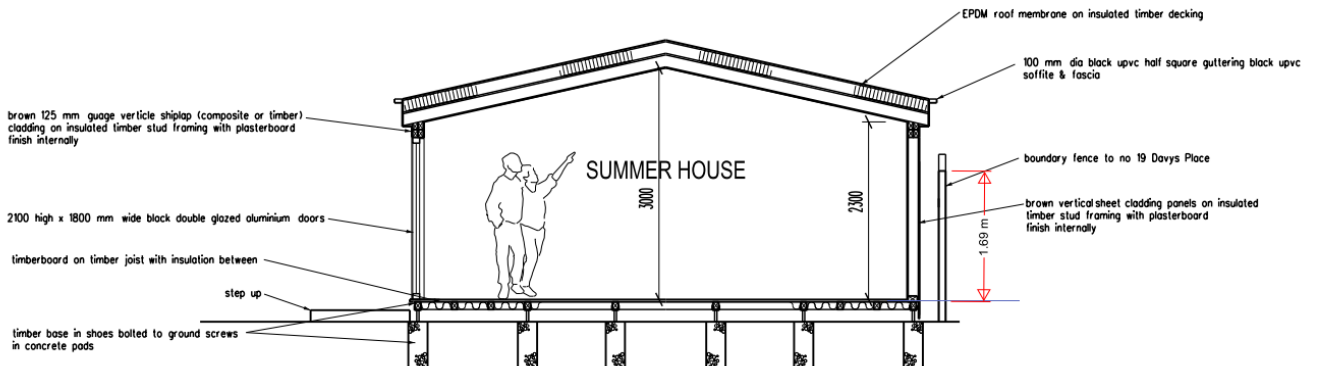
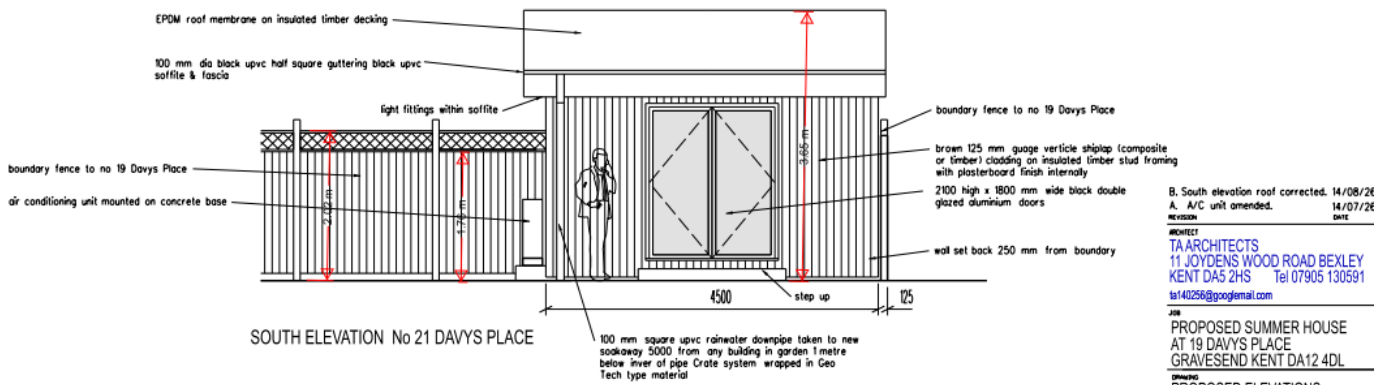
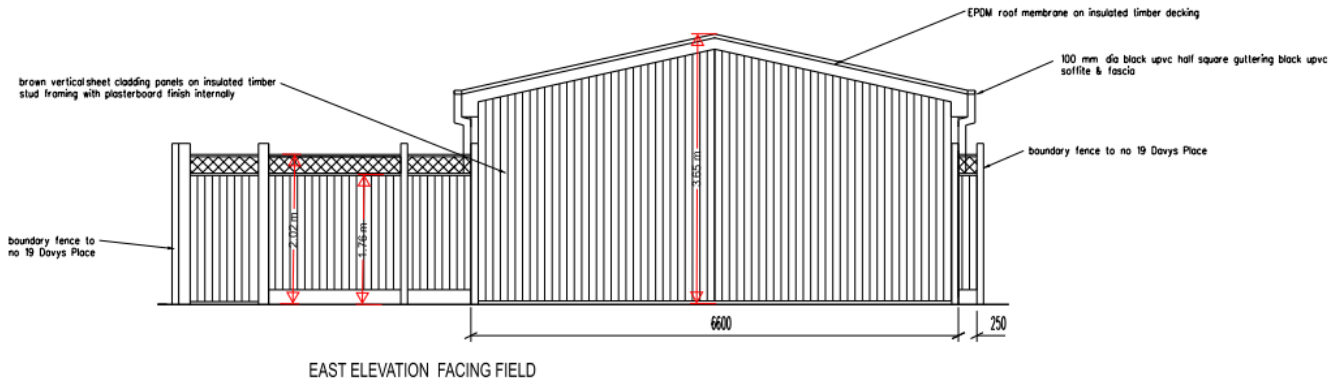
Proposed



B. North elevation roof corrected. 14/08/
A. A/C unit amended. 14/07/

REVISION
DATE
ARCHITECTS
11 JOYDENS WOOD ROAD BEXLEY
KENT DA5 2HS Tel 07905 130591
ta140256@gmail.com

PROPOSED SUMMER HOUSE
AT 19 DAVYS PLACE
GRAVESEND KENT DA12 4NI



Officer's Analysis

Design, Character and Appearance

Section 14 of the NPPF (2026) seeks to promote high-quality places and sets out the Government's requirements in relation to design issues. Policy DP3(1) states that development proposals should respond positively to their context, including the history, character and features of the site and its surroundings, ensuring they integrate with and enhance the local area. Policy CS19 of the Core Strategy 2014 reflects these aims and requires that new development is well designed and respects the character and appearance of the surrounding area.

The proposed outbuilding would be constructed using composite timber shiplap and metal cladding panels with black aluminium fenestration. Although timber shiplap would be a better quality material, composite timber shiplap would be acceptable in this instance; within an urban location and not in a Conservation Area. The outbuilding is fairly large, and has an unusual layout and style of fenestration. Notwithstanding this, it would be situated unobtrusively at the very end of the rear garden of the application property and would be partially screened by boundary treatments shared with adjoining properties. It would not be visible from the street scene. The existing gate along the shared boundary with the adjacent field would be relocated. The comments regarding the access gate from Shorne Parish Council are noted, however, the plans show the gate would open inwards towards the application property, a gate could potentially be installed under permitted development rights and any dispute over access on to or off of the field would be a private matter between the land owners. In addition, a Site Notice was displayed publicising the proposed development and no further comments regarding this matter have been received. It is noted that proposed boundary treatment alterations are shown on the plans. Although these changes have not been specifically applied for within the application description, a 2.00m fence in the rear garden could potentially be constructed under permitted development rights and as such, there are no concerns with regards to these changes. Overall, the proposed development is considered to accord with Policy CS19 of the Gravesham Local Plan Core Strategy (LPCS) (2014) and Policy DP3(1) of the NPPF (2026).

Amenity of Future Occupiers

Policy P3 of the NPPF (2026) requires development proposals to provide healthy living conditions for occupiers and users, including adequate access to natural light and protection from noise, pollution and other adverse impacts that could harm health or quality of life.

The proposal would provide a summerhouse for future occupants and would not unduly impact the resultant garden area post development. It therefore protects the amenity of future occupiers in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy (LPCS) (2014) and Policy P3 of the National Planning Policy Framework 2026.

Neighbouring Amenity

Policy DP3 of the National Planning Policy Framework (2026) requires development proposals to respond positively to their context and integrate successfully with their surroundings. In addition, Policy P3 seeks to ensure that development provides healthy living conditions for occupiers and users, including adequate access to light and protection from adverse impacts that could affect health or quality of life.

Also relevant to this proposal is Gravesham's SPG2 Residential Layout Guidelines (2020), which is the Council's adopted Supplementary Planning Guidance document, as well as Policy CS19 (LPCS) (2014) which requires new development to be located, designed and constructed to safeguard the amenity, including privacy, daylight and sunlight, of its occupants and those of neighbouring properties and land.

These policies are relevant in assessing the proposal's impact on neighbouring residential amenity

The proposed development in situ is not considered to detrimentally impact the amenity of neighbouring properties in terms of loss of light, loss of privacy or loss of outlook. It is noted that some of the fenestration would face towards No.21 Davys Place, however there is a high boundary treatment in place.

Regarding the air conditioning unit, as aforementioned in the above comments received by GBC Environmental Protection, in the event that planning approval is granted; this can be dealt with via a condition attached to the decision notice requiring a noise assessment to be carried out and submitted to the Local Planning Authority.

As such, the development accords with Policy CS19 of the Gravesham Local Plan Core Strategy (LPCS) (2014) and is in accordance with the objectives of Policies DP3 and P3 of the National Planning Policy Framework 2026.

Parking and Highways

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

Any Other Material Planning Considerations

Archaeology

The site lies within an area of multi-period archaeological potential. However, the proposed development is unlikely to have any archaeological impact.

Groundwater Protection Zone

The site is located within Groundwater Protection Zone 3, however, the proposal would be unlikely to be impacted by this constraint.

Conclusion

The application has been fully considered and accords with local and national planning policy.

The proposed development is acceptable in terms of design, character and appearance. There is no detrimental impact on the amenity of future occupiers or neighbours and no concerns in terms of parking. The proposal therefore accords with Policy CS19 of the Gravesham Local Plan Core Strategy (LPCS) (2014) and Section 12 of the National Planning Policy Framework (NPPF) (2024).

Recommendation

Permission

(For detailed conditions and informatives, see draft Decision)

Case Officer:	Mrs Lucy Hankin	Team Leader:	Richard Hart
Signed:	L Hankin	Signed:	<i>R Hart</i>
Dated:	2 nd August 2026	Dated:	2nd September 2026