

Delegated Report

Householder Planning Application

Planning Application No: 20260647

Location: 40 Walmers Avenue Higham Rochester Kent

Description: Erection of a single storey side infill extension, alterations to fenestration, and installation of a new entrance door.

Applicant: Charlie Stuart

Site Visit Date: 07.07.2026

Submitted Documents/Plans

Application Form;
Site Location Map - WA-R00-EX-101.R00;
Site Location Map - WA-R00-PR-101.R00;
Proposed Floor Plans - WA-R00-PR-102.R00;
Proposed Floor Plans - WA-R00-PR-103.R00;
Proposed Elevations - WA-R00-PR-104.R00;
Proposed Elevations - WA-R00-PR-105.R00;
Proposed Sections - WA-R00-PR-106.R00;
Existing Floor Plans - WA-R00-EX-102.R00;
Existing Floor Plans - WA-R00-EX-103.R00;
Existing Elevations - WA-R00-EX-104.R00; and
Existing Elevations - WA-R00-EX-105.R00.

Relevant Planning History

Reference	Description	Decision	Decision Date
19750090	Erection of a lounge extension with a bedroom and additional sanitary accommodation	Application Refused	21.10.1975
19580279	Erection of 2 bungalows	Permitted	07.05.1958

Development Plan

Gravesham Local Plan Core Strategy (2014)

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS111 – Transport
- 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)

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

There have been no consultees consulted on this application.

Neighbouring properties

Five surrounding properties were consulted with a response date of 28.07.2026, no representations have been received in response.

Officer's Analysis

Design, Character and Appearance

Policy CS19 (LPCS) requires development to conserve and enhance the character of the local built, historic and natural environment, integrate well with the surrounding local area and meet anti-crime standards. This stance is reflected in chapter 12 (Achieving well-designed places) of the NPPF.

The application is for the erection of a single storey side infill extension, alterations to the property's fenestration, and the installation of a new entrance door.

The existing integral car port will be enclosed and converted to a habitable room to provide a playroom, the front and side openings of the car port will be infilled with bricks which will match those used in the construction of the host dwelling. As a part of the proposal the entrance to the property would be moved from the western side elevation of the property to the front elevation, there would also be changes to the property's fenestration. The development would not result in the increase in the footprint of the property and would not result in harm to the character and appearance of it. The changes to the fenestration would not result in harm to the character of the property and would be compliant with policy CS19 in this regard.

Neighbouring Amenity

Policy CS19 (LPCS) seeks to protect amenity and ensure acceptable future living conditions are included in the LPCS. The NPPF also assists and seeks to ensure developments will function well, do not undermine quality of life and create attractive and comfortable places to live, work and visit and seeks to "secure high-quality design and a good standard of amenity for all existing and future occupants of land and buildings".

There would be no increase in the footprint or height of the host property, as such there would be no overshadowing or overbearing impact to neighbouring properties. Whilst the development would include changes to fenestration, sufficient separation from neighbouring properties would be maintained, this will ensure that there is no loss of privacy to neighbouring properties arising from this proposal. Therefore, due to the scale and nature of the proposed development it would not result in harm the amenity of occupants of neighbouring properties, and would be compliant with Policy CS19 in this regard.

Parking and Highways

Any proposals would need to be considered against saved policy T1 (LPFR) (1994) and Policy CS11 of the Gravesham Local Plan Core Strategy (2014). These policies ensure that development provides an acceptable amount of parking in accordance with the adopted KCC Parking Standards and the access and parking arrangements do not have a detrimental impact on highway safety.

It is noted that the development would result in the loss of the carport, however it is undersized and cannot accommodate a modern vehicle. SPG4 requires a minimum width of 2.5m and depth of 5m, the existing carport is 2m in width and 3.75m in depth, as such is it not considered that the proposal would result in a loss of a parking space. As the development would not result in an increase in the number of bedrooms at

the property there is no requirement for additional off street parking provision. As such, the development is not considered to result in any parking or highway safety issues.

Conclusion

The development would not result in any harm to the character and appearance of the host dwelling or its surroundings, there would be no harm to the amenity of occupants or neighbouring properties and there would be no parking or highway safety issues.

Recommendation

For detailed conditions and informatives, see draft decision.

Case Officer:	Adeoye Lawal	Team Leader:	Richard Hart
Signed:	<i>Ade Lawal</i>	Signed:	<i>R Hart</i>
Dated:	4th August 2026	Dated:	14 th August 2026