



Appeal Decisions

Site visit made on 14 July 2025

by **S Harley BSc(Hons) M.Phil MRTPI ARICS**

an Inspector appointed by the Secretary of State

Decision date: 29th July 2025

Appeal A Ref: APP/K2230/W/25/3361071

Lomas, Sole Street, Cobham, Gravesend, Kent, DA12 3AX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mrs Reena Logan against the decision of Gravesham Borough Council.
 - The application Ref is 20241018.
 - The development proposed is: demolition of the existing dwelling. Sub division of the plot and erection of 2 new dwellings.
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Appeal B Ref: APP/K2230/W/25/3359306

Lomas, Sole Street, Cobham, Gravesend, Kent, DA12 3AX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mrs Reena Logan against the decision of Gravesham Borough Council.
 - The application Ref is 20240331.
 - The development proposed is: demolition of the existing dwelling and erection of 2 new detached dwellings.
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Decision

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matters

3. The appellant's name is described differently in different documents but has been confirmed as Mrs Reena Logan. The appellant has indicated that, according to the Land Registry, there is a wedge of land that is not controlled by anyone but has been included in the red line of the site plans. As part of the appeals the appellant has served Certificate D and published Notice in the Gravesend and Dartford Messenger giving the opportunity for any land owner to make representations. No such representations have been received. An applicant or an appellant does not need to own land to seek planning permission. It is clear from the correspondence relating to the proposals that local residents are aware of the proposal. I find no procedural unfairness would occur by my determining the Appeals.
4. There are two Appeals for the same site. Both are for two dwellings and the respective application form states each would be three bedrooms.
5. Appeal B was the earlier planning application and was submitted in outline. Sketch perspectives indicate how two dwellings could be accommodated. This is indicative of only one way in which the site could be developed and all matters are reserved for future consideration. I have considered Appeal B on this basis.

6. Appeal A was submitted as a possible way of overcoming the reasons for refusal of the earlier application. It was also submitted in outline but with access, layout and scale included. For Appeal A appearance and landscaping are the only matters reserved for future consideration.
7. The other principal differences between the proposals are the access and parking arrangements; garden sizes and shapes; and Appeal A is for a bungalow rather than a chalet bungalow. To avoid duplication I have dealt with the two schemes together, except where otherwise indicated.

Main Issues

8. The main issues for both Appeals are: the effect of the proposal on the character and appearance of the area; whether adequate living conditions would be provided for future occupiers of the proposed dwellings; the effect of the proposals on the living conditions of occupiers of nearby properties; and whether the effect of the proposals on the Thames Estuary and Marshes Special Protection Area (SPA) and Ramsar Site (the protected sites) would be satisfactorily mitigated.

Reasons

9. The appeal site is within the Rural Settlement boundary of Cobham as defined in the proposals map of the Gravesham Local Plan Strategy 2014 (the CS). There would be no objection in principle to residential development provided other planning policies and material considerations would be satisfied.

Character and appearance

10. Sole Street is one of the main routes into Cobham. There is no prevailing pattern of development in the area and architectural features, height, volume and scale vary from building to building.
11. Lomas is a modest chalet style detached house with accommodation in the roof space. It has little architectural merit and there is no objection to its demolition. The garden is fairly extensive but is an irregular narrow L shape. The density of the proposed development would be about 28 dwellings per hectare. This is a little lower than the 30 dph sought by Policy CS15 of the CS outside the urban area but would accord with the character of the immediate locality of detached properties in good sized gardens. The Plot 2 dwelling would be in the rear garden. Paragraph 75 of the National Planning Policy Framework (the Framework) allows for development plan policies to resist inappropriate development of residential gardens. As there are no such policies in the CS there is no in principle objection to development in the garden provided other policies and material considerations are satisfied.
12. On one side of the appeal site is Faincroft House and garden which is a two storey building, plus dormers in the roof, in mock tudor style. Attached to Faincroft House is a single storey building, along the shared boundary with the appeal site, which contains a small shop. Behind the shop is a partly two storey flat roofed building/extension. This appears to be residential accommodation associated with the shop and there is a door from its southern elevation onto the appeal site. The L shaped garden of Lomas wraps around the rear of the shop and Faincroft House.

13. On the south side of Lomas is a larger chalet style bungalow, Temperley, behind which are garages and outbuildings. There are two similar chalet style bungalows to the south of Temperley. To the east of the appeal site is The Gables, also a chalet style bungalow, with a large dormer containing two windows facing the garden of Lomas. Most of the properties have planting in the front gardens. Not all have on-site parking.
14. Both proposals show a house on Plot 1 facing Sole Street on a similar front building line as the existing property and of similar footprint. In both cases the Plot 2 dwelling would be at the rear of the appeal site positioned between Faincroft House/the shop and The Gables. Vehicle and pedestrian access to Plot 2 would be along a driveway between the side wall of the shop and the side wall of the Plot 1 house. Siting is reserved for future consideration in respect of Appeal B but it is difficult to envisage how two, three bedroom, detached properties could be positioned within the appeal site other than in a very similar manner.
15. Such a siting, or similar, for a dwelling at Plot 2, would amount to backland development which is generally considered to be when a property is behind one or more other buildings and does not have a direct frontage onto a road. Backland development does not appear to be a common occurrence in the locality.
16. The Gables is set behind other buildings and does not have a road frontage. However, it fronts onto a wider shared drive so, in my judgement, would not fall clearly into the concept of backland development as commonly used. Either way the siting of a dwelling parallel to The Gables would not be significantly out of keeping with the local layout of properties. Moreover, the proposed Plot 2 dwelling would not be prominent in views from any public road. On this basis I consider that, in principle, the use of this garden land for some form of backland development would not cause material harm to the character and appearance of the area provided all other aspects of the proposals were found to be acceptable.
17. In both cases two, side by side parking spaces, parallel to Sole Street, are proposed in front of the Plot 1 house. There would be little or no space for meaningful planting to the front of the site and wider parking spaces than shown would be needed because of the proximity to the house wall.
18. The point of access and the parking arrangements for Plot 2 differ between the two proposals. In the case of Appeal B the access onto Sole Street would stay in the existing position immediately next to the side wall of the shop. Three parking spaces are indicated and vehicles would be able to turn within Plot 2 and emerge in forward gear. However, the proposed driveway would be relatively narrow and constrained by walls of buildings on either side. There would be potential conflict along the drive between vehicles and those walking or cycling to Plot 2 and those using the door into the residential accommodation behind the shop.
19. There would also be potential conflict between vehicles exiting Plot 1 parking spaces and those entering and leaving Plot 2. Moreover, the requisite 2m by 2m pedestrian visibility splays behind the edge of the footway could not be provided so visibility would be poor. The above indicates that the proposals for Appeal B amount to a cramped and contrived over development of this awkwardly shaped site which would be uncharacteristic and would not amount to good design.
20. In the case of Appeal A access is included as part of the application. The plan shows a 2.5m wide access positioned 2m away from the side wall of the shop.

Pedestrian visibility splays are shown to either side of the access. As the access would be closer to the Plot 1 parking spaces the potential conflict between vehicles entering and leaving Plot 1 parking spaces and those entering and leaving the drive to Plot 2 would be greater than for Appeal B. In addition vehicles headed for Plot 2 would have to turn to negotiate the corner of the Plot 1 house. As the drive is narrow, and constrained on both sides by buildings, this would be an awkward manoeuvre. There would be same potential conflicts between vehicles and those cycling or on foot as in relation to Appeal B.

21. The two tandem parking spaces shown for Plot 2 would not meet the requirements of the Kent Residential Parking Standards. The available turning area would be very limited and constrained by the corners of buildings so manoeuvring vehicles to leave in forward gear would be difficult. Moreover, should there be two vehicles parked in the spaces shown, it seems unlikely that the northernmost vehicle could exit Plot 2 in forward gear without the southernmost vehicle leaving beforehand. Should vehicles have to leave Plot 2 in reverse gear there would be a significant length of narrow drive to traverse and there would be potential conflict at a blind spot by the front corner of the Plot 1 house. All of the above indicates that the proposals for Appeal A amount to a cramped and contrived over development of this awkwardly shaped site which would be uncharacteristic of the local area and would not amount to good design.
22. Both proposals show the same building at Plot 1 in terms of scale and form. The sketch perspectives show how the proposed Plot 1 house could fit satisfactorily between Faincroft House and Temperley in scale, form and design as viewed from the street. This is only one way in which the proposed house could be designed, but it demonstrates that a satisfactory scheme could be achieved. I find no concerns with the proposed scale and form of the house at Plot 1 in terms of the effect on the character and appearance of the area.
23. The proposals for the dwelling at Plot 2 vary. For Appeal B the proposed dwelling, as described in the Outline Planning Statement, would be a chalet bungalow, smaller in scale than the house at Plot 1, with accommodation at first floor and similar in scale to The Gables. It would be behind the two storey flat roof accommodation associated with the shop. However, the pitched roof of a dwelling with accommodation at first floor would be higher than the flat roof and it would be directly visible across the drive. It would therefore reduce openness but, because of the set back from the street, the harm to the character and appearance of the area would be relatively minor. I acknowledge that all matters are reserved for Appeal B but it is difficult to imagine how a dwelling with first floor accommodation and similar in scale to The Gables could otherwise be accommodated within the awkwardly shaped appeal site.
24. For Appeal A the proposal is a bungalow for Plot 2. This would have a lower roof and would have a lesser effect on openness as viewed from the street. I see no reason to suppose that a suitable appearance could be achieved. I find that in principle a bungalow of the footprint proposed would not be harmful to the character and appearance of the area.
25. Currently the garden of Lomas is predominantly soft landscape. Both proposals would reduce this by additional buildings but also by the hard surfacing for access and parking. However, the site is an existing residential property, amongst other

predominantly residential properties, and such a change would not be unacceptable in planning policy terms.

26. Taking all the above into account I conclude that both proposals would amount to a cramped and contrived form of development that would be harmful to the character and appearance of the area. There would be conflict with those parts of Policies CS14, CS15 and CS19 of the CS and those principles of the Framework that seek good design which respects the character and appearance of the local area.

Living conditions of future occupiers

27. CS Policy 19 requires that the design and layout of new residential development, accord with the adopted SPG2 Residential Layout Guidelines 2020. For both Appeals the Plot 2 dwelling would be broadly rectangular with the longer elevations facing west and east.
28. It is difficult to envisage how three bedrooms and the associated living accommodation could be provided for the dwelling at Plot 2 without habitable room windows in the proposed east and west elevations. Indeed for Appeal A such windows are shown on the Plot 2 outline elevations Plan 005. There are first floor windows in The Gables and the accommodation behind the shop that look directly towards these elevations close to the shared boundaries and which would closely overlook the windows in the proposed dwelling at Plot 2. Nor is it reasonable in a new dwelling to expect future occupiers to rely on curtains/blinds for privacy when the proposals fall well short of the SPG2 Guidelines.
29. Windows in Faincroft House also look towards the appeal site with a distance of some 19m or 20m between existing and proposed windows for Plot 2. This is lower than the minimum of 21m sought by SPG2 and significantly lower than the 26m sought where the view is over private garden. Nor would there be space at the side of either the west or east elevation within Plot 2 for meaningful planting that would help minimise overlooking. Accordingly, adequate privacy would not be provided for future occupiers of the proposed dwelling at Plot 2 under either proposal.
30. Adequate garden sizes would be provided for both plots at Appeal A. However, for Appeal B the rear garden for Plot 1, although it would just meet the minimum overall area of 60 sqm, at some 7m would be much shorter than the 10m sought by SPG2. As this garden would have a drive, manoeuvring and parking areas on two sides the SPG2 indicates that a greater depth and area of the garden is required to ensure peaceful private outdoor amenity space for future occupiers.
31. For the above reasons I conclude that satisfactory living conditions would not be provided for future occupiers of the proposed dwelling for either Appeal. Accordingly there would be conflict with Policy CS19 of the CS; SPG2 and those principles of the Framework that seek a good standard of amenity for all existing and future users.

Living conditions for neighbours

32. For Appeal A the proposed roof of the Plot 2 dwelling would be some 5.19m and higher for Appeal B. Due to the relative positions of buildings the proposed height of the Plot 2 dwelling would block light into windows in The Gables and the shop

accommodation. This would result in gloomy and oppressive living conditions for occupiers of the rooms served by those windows.

33. In addition for Appeal B it is difficult to envisage how habitable room windows could be positioned above ground floor level without causing harmful overlooking of neighbouring gardens. First floor windows at Plot 1, directly facing windows at the Gables, would be introduced at a distance below that sought by SPG2 resulting in unacceptable and loss of privacy for occupiers of The Gables.
34. There would be oblique overlooking of the garden at Temperly from first floor windows at Plot 1. However, this is not dissimilar to other cases nearby and alone would not be a reason for refusal in planning policy terms.
35. For the above reasons I conclude that both proposals would have a harmful effect on the living conditions of occupiers of neighbouring properties. There would be conflict with Policy CS19 of the CS; SPG2 and those principles of the Framework that seek a good standard of amenity for all existing and future users.

The protected sites

36. The appeal site is within 6km of the coastal protected sites which are of international importance for wintering waterfowl and which support diverse wetland habitats. The proposals would lead to additional residents which is likely to increase disturbance from recreational activity. As a result the proposed developments, either alone or in-combination with developments elsewhere, would be likely to have a significant adverse effect on the protected sites. The appellant acknowledges the need to provide a contribution to mitigate adverse impacts on the integrity of the site under the agreed approach in the North Kent Strategic Access Management and Monitoring Scheme. However, I have seen no evidence that such a contribution has been made for either proposal.
37. In the absence of such a contribution I cannot conclude that the effect of either proposal on the protected sites would be satisfactorily mitigated. Accordingly there would be conflict with Policy CS12 of the CS, the Framework, and the Conservation of Habitats and Species Regulations 2017, which seeks to protect areas of biodiversity value with the highest level of protection given to internationally designated sites such as these protected sites.

Other Matters

38. On the opposite side of the street to the appeal site are two Grade II Listed Buildings Yeomans House and Bower Cottage. Their special architectural or historic interest lies in their 15th Century origins which would be unaffected by the proposals. Neither of the Listed Buildings are directly opposite the appeal site. Although there is some intervisibility between them, because the building line of the house at Plot 1 would be very similar to that of Lomas, there would be a neutral effect on the setting in which the Listed Buildings are experienced.
39. Based on the March 2023 Housing Land Supply Statement the Council indicates that it can demonstrate 2.9 years deliverable housing land supply. The appellant indicates that the delivery of housing was some 59% which is considerably below that required by the Housing Delivery Test.
40. Proposals for small scale self-build developments are exempt from the requirement for on-site Biodiversity Net Gain. The applicant is registered in the

Gravesham Council Self-Build Register. However, no mechanism for ensuring that either proposal would be self-build has been put forward. Had my conclusions on the main issues been otherwise I would have sought more information on this matter but, in the circumstances, it is not reasonable or appropriate to do so.

41. The appellant has expressed dissatisfaction with the Council in failing to engage at pre-application or application stage. However, that is not a matter for me in this appeal.

Planning Balance and Conclusion

42. Where the Council cannot demonstrate a five year supply of deliverable housing land Paragraph 11d) of the Framework indicates that planning permission should be granted for sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
43. In both cases an additional house would make a much-needed, small but positive, contribution to the local supply and mix of housing in the Borough in an existing settlement. It would make efficient use of land. An existing small and outdated dwelling would be replaced by a more modern energy efficient dwelling. Small sites can often be developed fairly quickly. There would be economic benefits during the construction period and spend in the local economy from additional residents. However, these benefits are moderated because of the very small scale of the proposal. The totality of these other considerations amount to less than moderate weight in favour of the proposal.
44. The proposal could provide self-build accommodation which appears not to have been successfully delivered locally. However, as there is no mechanism to ensure this, it does not attract much weight in favour of the proposal. Nor do the proposals benefit from the Framework encouragement for re-use of brownfield land as land in built-up areas such as gardens are excluded from the definition in the Glossary to the Framework.
45. On the other hand I have found that both of the proposals would amount to a cramped and contrived form of development that would be harmful to the character and appearance of the area. Neither proposal would amount to good design: one of the key policies of the Framework. Neither would provide satisfactory living conditions for future occupiers and both would have a harmful effect on the living conditions of occupiers of nearby properties. The effect on the protected sites would not be satisfactorily mitigated. I find that these adverse impacts significantly and demonstrably outweigh the benefits in both cases. Neither would benefit from the presumption in favour of sustainable development.
46. Both proposals would conflict with the development plan. I have found insufficient material considerations to outweigh this conflict. Both Appeal A and Appeal B should be dismissed.

S Harley

INSPECTOR