



Delegated Report

Removal or Variation of Conditions

Planning Application No: 20260819

Location: 18 Ascot Road Gravesend Kent DA12 5AL

Description: Application for variation of condition 2 attached to planning permission reference number 20250587 for demolition of existing rear conservatory and shed. Erection of a two storey side extension and single storey rear/side extension with roof lights and conversion of garage into habitable rooms. Alterations to fenestration; to allow lower the internal floor level of the rear extension by approximately 450mm, to bring the floor level in line with the neighbouring property and change the 1st floor extension pitched roof to a flat roof.

Applicant: Ashok Photay

Site Visit Date: **Desktop Assessment**

Submitted Documents/Plans

Application Form Dated 05/08/2026;
Drawing Number BL-DRG-3954-05. Rev A (Floor Plans and Elevations – Proposed (approved); and
Drawing Number BL-DRG-3954-05. (Floor Plans and Elevations – Proposed (amended))

Relevant Planning History

Reference	Description	Decision	Decision Date
20250587	Demolition of existing rear conservatory and shed. Erection of a two storey side extension and single storey rear/side extension with roof lights and conversion of garage into habitable rooms. Alterations to fenestration.	Permitted	01.08.2025

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.

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

- 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)
- Design for Gravesham – Design Code (2024)

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

Ward Councillors – No comments received

Neighbouring properties

4 surrounding properties were consulted and a site notice was displayed on 24th August 2026. No responses were received and the consultation period ended on 18th September 2026.

Officer's Analysis

Background

Planning permission reference 20250587 for the 'demolition of existing rear conservatory and shed, erection of a two storey side extension and single storey rear/side extension with roof lights and conversion of garage into habitable rooms and alterations to fenestration' was granted on 08.01.2025. Therefore, the Local Planning Authority has judged the principle of the development as acceptable.

This application seeks to amend condition 2 of planning permission 20250587 under Section 73 of the Town and Country Planning Act 1990 (as amended). For the purposes of this application, no fresh issues can be introduced into the determination, as only the issues relating to the variation of the conditions are relevant.

Condition 2 of planning permission 20250587 reads as follows;

The development hereby permitted shall be carried out in accordance with the following approved plans:

Application Form Dated 12/06/2025;
Drawing Number BL/DRG/3954/01 (Site Location Plan);
Drawing Number BL/DRG/3954/02 (Block Plans - Existing and Proposed);
Drawing Number BL/DRG/3954/03 (Floor Plans and Elevations - Existing); and
Drawing Number BL/DRG/3954/05 Rev A (Floor Plans and Elevations - Proposed).

Reason: For the avoidance of doubt and in the interests of proper planning.

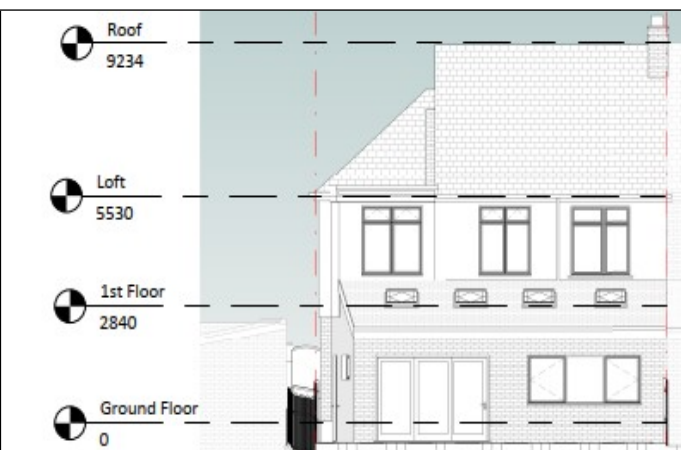
The applicant has requested changes to the approved plans BL/DRG/3954/05 Rev A (Floor Plans and Elevations - Proposed) of planning permission 20250587. The applicant requests a change in the roof form to the two-storey side extension from a pitched roof to a flat roof.

Proposed Elevations - Application 20250587	Proposed Elevations - Current Application 20260819
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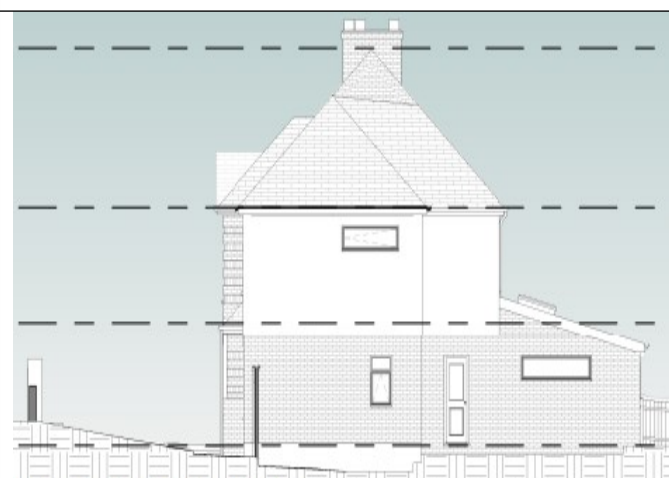


Proposed North Elevation

1:100

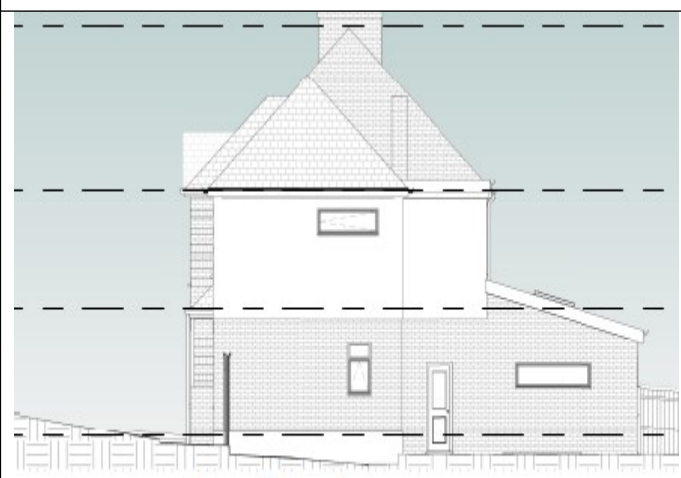


Proposed North Elevation



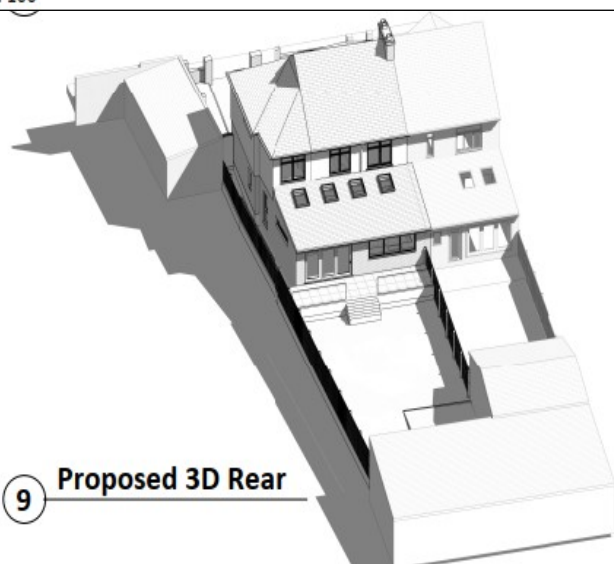
Proposed East Elevation

1:100

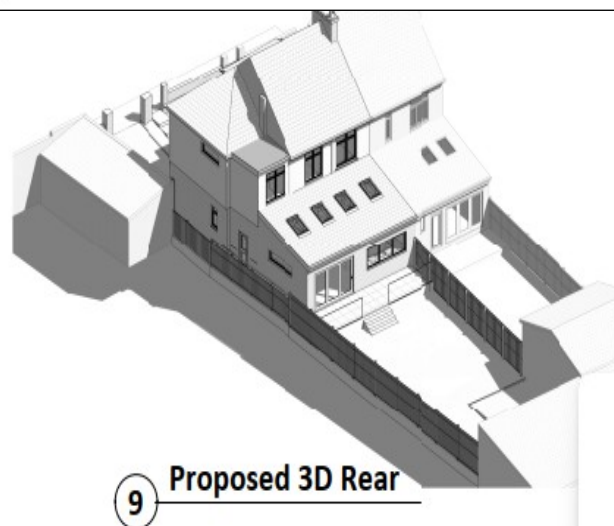


5 Proposed East Elevation

1:100



9 Proposed 3D Rear



9 Proposed 3D Rear

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 (Development and Design Principles) (LPCS) 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.

Gravesham's Householder Extensions/Alterations Design Guidance (SPD) (2021) states *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.*

The proposed alterations to the roof form for the two-storey side extension is considered to be contrary to those set out in Gravesham's Householder Design Guidance 10.5. for two storey side extensions:

Design: Extensions are of greater visibility, and should incorporate roof designs to reflect and generally be subservient to the main property's roof. The use of flat or false pitched roofs visible from the street should be avoided. Patterns of windows should reflect the host building and local character. Walls to extensions should not form the site bound

The proposal seeks to alter the pitched roof design of approved application 20250587 to a flat roof which is considered to be unsympathetic to the character and appearance of the host dwelling and would be harmful to the visual amenity of the area. Therefore, the proposal is contrary to Policy CS19 (Development and Design Principles) of Gravesham's Local Plan Core Strategy (LPCS) (2014) and Policy DP3(1) of the National Planning Policy Framework (NPPF) (2026).

Conclusion

The proposed two storey flat roof is considered to be unsympathetic to the character and appearance of the host dwelling and would be harmful to the visual amenity of the area. Therefore, the proposal is contrary to Policy CS19 (Development and Design Principles) of Gravesham's Local Plan Core Strategy (LPCS) (2014) and Policy DP3(1) of the National Planning Policy Framework (NPPF) (2026).

Recommendation

Refusal

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

Case Officer:	Mrs Nina Goodbody	Team Leader:	Richard Hart
Signed:	<i>N Goodbody</i>	Signed:	<i>R Hart</i>
Dated:	5 th October 2026	Dated:	5th October 2026