



Appeal Decision

Site visit made on 19 May 2025

by J Pearce MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th June 2025

Appeal Ref: APP/K2230/W/24/3356033

28 Lanes Avenue, Northfleet, Gravesend, Kent DA11 7HR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Vilviu of Vil Group Properties Ltd against the decision of Gravesham Borough Council.
 - The application Ref is 20240447.
 - The development proposed is the erection of detached one bedroom dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of development in the heading above has been taken from the planning application form. In section E of the appeal form it is stated that the description of development has not changed from that stated on the application form. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the description given on the original application form.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the area;
 - whether suitable living conditions would be provided for future occupants of the proposal, with regard to privacy and outlook; and
 - the effect of the proposed development on highway safety, with regard to pedestrian safety and the provision of parking.

Reasons

Character and appearance

4. The appeal site consists of the dwelling of No 28 Lanes Avenue (No 28) and its rear garden. Development in the area primarily comprises two-storey semi-detached and terraced buildings finished with a simple, ordered layout of fenestration beneath pitched and hipped roofs. Dwellings are typically set back with open frontages giving the area a generally spacious character. The rear gardens of properties in the area are primarily enclosed by walls and fences.

Single-storey outbuildings, including garages, front the access road to the rear of properties, including No 28.

5. Alders Court is a development of dwellings to the rear of properties at Lanes Avenue and Packham Road. The dwellings form part of a comprehensive development¹ of terraces of dwellings of both two-storey and single-storey scale. While the buildings enclose the space to the rear of the surrounding properties, the buildings are set back from the narrow road leading from Packham Road and Lanes Avenue partly retain the overall spaciousness of the area.
6. The proposal is for a detached single-storey dwelling to the rear of No 28 opposite the single-storey dwellings that form part of Alders Court. The dwelling would have a lack of detailing and would present a blank façade to the front of the site. In addition, the irregular sizing and placement of windows and doors that would jar with the ordered appearance of development in the area. Consequently, the dwelling would have a poor relationship with the road and existing development in the area. The limited detailing and openings would make the building appear incongruous within its surroundings where buildings are partly characterised by windows and doors within the front elevations.
7. The position of the dwelling adjacent to the road and the flat roof finish would reflect the appearance of the neighbouring garages. However, the angular and utilitarian appearance of the dwelling would be discordant with prevailing character and appearance of the surrounding development. Moreover, the L-shaped form of the dwelling and the unsympathetic layout of openings would result in a development that would harm the character and appearance of the area.
8. The proposal would subdivide the rear garden of No 28 and would increase the density of development at the site. The Council note that the proposal would exceed the minimum density of 40 dwellings per hectare, as set out in Policy CS15 of the Gravesham Local Plan Core Strategy 2014 (CS). I see no reason to disagree with this conclusion. While the proposal would make an efficient use of land in an urban area, the provision of a dwelling on a small plot would be discordant with the prevailing spacious pattern of development in the area.
9. I conclude that the proposal would harm the character and appearance of the area. The development therefore conflicts with Policy CS19 of the CS, which requires that new development will be visually attractive, fit for purpose and locally distinctive and integrate well with the surrounding local area, making a positive contribution to the street scene.

Living conditions

10. The proposed dwelling would have a garden to the rear and three high level windows in the rear elevation. The existing dwelling at No 28 has two first floor windows, which would allow for unobstructed views towards the garden and rear elevation of the proposed dwelling. The first floor windows at No 28 would provide direct views towards the private amenity area immediately adjacent to the rear of the dwelling. The overlooking from No 28 would significantly limit the level of privacy of future occupants of the dwelling.

¹ Application reference 20160727

11. The size and position of the windows, including the high level windows in the rear elevation, would prevent harmful overlooking from neighbouring properties and, with the proposed rooflights, would provide natural light and ventilation. Nevertheless, the lounge/diner room would have few window openings, particularly within the main part of the room, where a poor standard of accommodation would be provided. In addition, the outlook from the bedroom window would be restricted due to the proximity of the side wall of the neighbouring outbuilding. Consequently, the proposal would fail to provide a suitable outlook for future occupants of the dwelling.
12. I conclude that suitable living conditions would not be provided for future occupants of the proposal, with regard to privacy and outlook. The development therefore conflicts with Policy CS19 of the CS, which requires that new development will be located, designed and constructed to safeguard the amenity, including privacy, of its occupants; the design and layout of new development will accord with the adopted Residential Layout Guidelines; and new development will provide appropriate levels of private amenity space.

Highway safety

13. The proposal would include one car parking space, in accordance with Policy CS11 of the CS, which requires that sufficient parking in new development will be provided in accordance with adopted standards. The space would be accessed from the road to the rear of No 28. The road has a limited width and includes a narrow footway to the front of the dwellings at Alders Court. Due to the confined space on the footway and the narrow width of the road, pedestrians and cyclists are likely to use the carriageway close to the proposed access, as well as the footway.
14. The parking space would be positioned between the front part of the dwelling and the neighbouring garage, which are close to the boundary with the road. The proposed dwelling and neighbouring garage would restrict visibility for vehicles exiting the proposed parking space, particularly if doing so in reverse gear. While vehicle speeds would be low and there is no substantive evidence demonstrating that the road has a history of traffic accidents, the poor visibility in both directions would result in an increase in the risk of collisions, particularly with pedestrians and cyclists.
15. The rear part of the site previously included a garage. Nonetheless, there is limited substantive evidence that this part of the site, including the former building, had been used for vehicle parking for occupants of No 28. The proposal would remove the potential for off-street parking for occupants of No 28, but would not substantially change the parking arrangements related to No 28. Moreover, the evidence before me does not demonstrate that the roads in the area are subject to significant parking stress or are subject to parking controls. Consequently, while the proposal would limit on-site parking at No 28, this would not result in harm to the flow of traffic in the area.
16. I conclude that the proposal would have an unacceptable effect on highway safety. The development therefore conflicts with Policy T5 of the Gravesham Local Plan First Review Saved and Deleted Policies Version 2014, which states that a new or the intensification of use of an existing access will not normally be permitted,

except where no danger would arise and where a properly formed access can be created in a location and to a standard acceptable.

Other Matters

17. The appeal site is within 6km of the Thames Estuary and Marshes Special Protection Area (SPA) and Ramsar site. The SPA is important for bird species, and in particular supports numbers of wintering and migrating birds which are rare and/or vulnerable in a European context.
18. The Conservation of Habitat and Species Regulations 2017 (the Habitats Regulations) require that the Competent Authority ensures that there are no significant adverse effects from the proposed development, either alone or in combination with other projects, that would adversely affect the integrity of the SPA and Ramsar site. The effects arising from the proposal need to be considered in combination with other development in the area, adopting a precautionary approach.
19. The development would result in an additional dwelling with a consequent increase in local residents living within 6km of the SPA and Ramsar site. This would be likely to result in additional recreational activity in these areas, causing disturbance to protected bird species that over-winter or breed on the SPA and Ramsar site. Therefore, the proposed development is likely to have a significant effect on the European Sites. As the competent authority, it is necessary for me to conduct an Appropriate Assessment (AA) in relation to the effect of the development on the integrity of the SPA and Ramsar site.
20. The Habitats Regulations require that permission may only be granted after having ascertained that it will not affect the integrity of a European site, such as the Thames Estuary SPA and Ramsar site. I may consider measures to secure mitigation with a view to ensuring that the proposal would not adversely affect the integrity of the SPA and Ramsar sites. The North Kent Strategic Access Management and Monitoring Strategy (SAMMS) sets out a strategy to resolve disturbance issues to wintering birds, focusing on the European Protected Sites and Ramsar Sites and their internationally important bird interest features. It details mitigation measures that would be funded by financial contributions at a specified tariff per dwelling. Since these include a range of habitat-based measures such as education, communication and monitoring, and have been endorsed by Natural England, I am satisfied that the measures would adequately overcome any adverse effects of the proposal on the SPA and Ramsar site.
21. The Council have confirmed a per dwelling contribution payment to fund the SAMMS has been made by the appellant. Given the evidence before me I am satisfied that the mitigation measures have been secured and would be used for their intended purpose.
22. The contribution would be necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development, in accordance with Regulation 122 of the Community Infrastructure Levy Regulations. As such, the contributions toward the mitigation schemes would count as mitigation toward maintaining the integrity of the sites. I therefore find within my AA that, with the provided mitigation, the proposal would not have an adverse effect on the integrity of the SPA and Ramsar site. The development would therefore comply with the Habitats Regulations and Policy CS12 of the CS, which states that sites designated for their biodiversity value will be protected.

Planning Balance

23. The National Planning Policy Framework (the Framework) does not change the statutory status of the development plan as the starting point for decision making. The proposal is not in accordance with the aforementioned policies of the CS, with the associated conflict reflecting harm to the character and appearance of the area, the unsuitable living conditions for future occupants of the development, and the unacceptable effect on highway safety. The proposal conflicts with the development plan as a whole and should be refused unless other material considerations indicate otherwise.
24. The Council states that it is unable to demonstrate a five year supply of deliverable housing sites. It is also failing to deliver its housing requirement for the purposes of the Housing Delivery Test. As such, paragraph 11 d) of the Framework indicates that planning permission should be granted 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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
25. The proposal would make a positive contribution to housing supply and delivery with associated social and economic benefits during the period of construction and once the dwelling is occupied. This is particularly the case given the Council's housing supply and delivery positions. The Framework explains that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly. However, the contribution of one dwelling to meeting housing need in the Borough through a more efficient use of land in an urban area and the associated benefits are nevertheless limited by the scale of development proposed.
26. In the particular circumstances of this case, I have concluded that the proposal would harm the character and appearance of the area, would provide unsuitable living conditions for future occupants of the development, would have an unacceptable effect on highway safety and would conflict with the relevant policies of the development plan and the Framework. The adverse impacts would therefore significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole.

Conclusion

27. The proposal conflicts with the development plan. The material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

J Pearce

INSPECTOR