



Appeal Decision

Site visit made on 19 May 2025

by J Pearce MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th June 2025

Appeal Ref: APP/K2230/W/24/3354862

148 Darnley Road, Gravesend, Kent DA11 0SN

- 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 Harminder Dhanda against the decision of Gravesend Borough Council.
 - The application Ref is 20240431.
 - The development proposed is the erection of box dormer to the rear to provide space for an additional bedroom.
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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. On the appeal form it is stated that the description of development on the application form is still correct. 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, including whether the proposal conserves or enhances the character or appearance of the Darnley Road Conservation Area (CA); and
 - the integrity of the Thames Estuary and Marshes Special Protection Area (SPA) and Ramsar site.

Reasons

Character and appearance

4. The site is within the Darnley Road CA. As required by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 I have paid special regard to preserving or enhancing the character or appearance of a conservation area. Paragraph 212 of the National Planning Policy Framework (the Framework) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

5. The special interest of the CA is derived partly from the historic layout, including remnants of the Earl of Darnley's manor farm, which has since overlain with a nineteenth century urban street pattern. The streets contain small groups and terraces of high quality two- and three-storey nineteenth century houses, many of which display elaborate architectural detailing.
6. The appeal site comprises a semi-detached building within a row of development fronting Darnley Road. The front elevations of dwellings, including the building at the site, within Darnley Road are varied but are decoratively finished with a range of features including attractive hanging tiles and bargeboards, as well as parapet verges. The red brick of the front elevations is typically embellished with yellow brick detailing to the corner. The elevations fronting Darnley Road, including that of the appeal property, contribute positively to the significance of the CA.
7. To the side and rear of properties, the detailing is typically less decorative, and the elevations are largely finished with yellow brick. The use of alternative materials indicates a change in importance to the rear of properties where public views are largely limited to the Darnley Road frontage. Two-storey outriggers extend to the rear and are centrally positioned relative to the pair of semi-detached properties. The rear roof slopes in the area are largely unbroken, although there are instances of rooflights and solar panels in the area.
8. The proposal includes a L-shaped dormer to the rear roofslope and the roof of the outrigger. The dormer would be set back from the eaves and the rear elevation of the outrigger and would retain the form of the dwelling. However, the addition would be of a substantial scale that would overwhelm the roof of the existing building and would require the raising of the parapet verge to the ridge of the outrigger. In addition, the proposal would present a considerable blank façade above the existing outrigger, that would appear stark and incongruous. The resulting dormer would be a bulky and unsympathetic addition to the host building and would erode the quality of the rear aspect of the property.
9. The side of the dormer would be glimpsed from Darnley Road between the building and No 146 Darnley Road but would otherwise have a limited prominence within the public domain. Moreover, the proposal would retain the architectural detailing within the front elevation, which contributes positively to the special interest of the CA. However, the paucity of publicly accessible views does not negate the need to secure high-quality design, which is a clear requirement of the Framework. Moreover, due to its discordant relationship with the host property, the development would be unduly prominent in views from the rear windows and gardens of neighbouring properties.
10. Consequently, given the considerable scale and unsympathetic design of the dormer, the proposal would result in harm to the significance of the CA. The primary street frontage of the building would be largely unaffected by the proposal and the harm to the significance of the CA would be less than substantial and must therefore be weighed against the public benefits of the scheme, in accordance with paragraph 215 of the Framework.
11. The proposal would make a small contribution to the supply of housing in the Borough, albeit to an existing House of Multiple Occupancy (HMO) where no new dwellings would be created. In addition, the development would improve the quality of the accommodation in the existing HMO. Consequently, given that these

represent only minimal public benefits, the harm that would be caused to the significance of the Conservation Area would not be outweighed.

12. I conclude that the proposal would harm not conserve the character or appearance of the CA. The development therefore conflicts with Policies CS19 and CS20 of the Gravesham Local Plan Core Strategy 2014 (CS), Policy TC3 of the Gravesham Local Plan First Review Saved and Deleted Policies Version 2014, which collectively require new development to conserve and enhance the character of the local built and historic environment, preserve and, where appropriate, enhance the significance of the Borough's heritage assets and make a positive contribution to the CA.

SPA and Ramsar site

13. The appeal site is within 6km of the Thames Estuary and Marshes 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.
14. 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.
15. The parties agree that the development would result in an additional bedroom within the HMO with a consequential 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 would be 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.
16. 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 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.
17. Nevertheless, there is no mechanism before me that would secure mitigation. Without the necessary evidence and details of any mitigation to be secured at the decision stage, I am unable to undertake an AA. Given my duties under the Regulations, I conclude that the proposal would have a harmful effect on the SPA and Ramsar site and would not accord with Policy CS12 of the CS, which states that sites designated for their biodiversity value will be protected.

Planning Balance

18. The Council cannot currently demonstrate a five-year land supply of deliverable housing sites. Paragraph 11 d) of the Framework indicates that permission should be granted unless the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed. Footnote 7 of the Framework details that this includes policies relating to habitats sites and designated heritage assets.
19. In this context the proposed development would not represent a numerical contribution to housing supply within the Borough. A dwelling already exists and would remain, with no new dwelling created, albeit the number of occupiers would likely increase. I acknowledge that there would be some social and economic benefits as a result of the increased number of occupiers, including the bringing about of additional trade to nearby services and facilities. I also acknowledge the appellant's comments in respect of the limited effect the proposed development would have on the amenities of the occupants of neighbouring properties and in respect of parking and highway safety.
20. Nonetheless, any benefits arising from the development would inevitably be limited. Therefore, as the harm arising from the proposal would be significant and its benefits modest, the adverse impacts of granting consent would significantly and demonstrably outweigh any benefits.
21. In any case, given that the proposal would harm the CA and would have a harmful effect on the SPA and Ramsar site, the application of the policies in the Framework provide a clear reason for refusing planning permission for the development proposed. Consequently, other material considerations in favour of the proposal do not justify taking a decision contrary to the development plan.

Conclusion

22. The proposal conflicts with the development plan as a whole. The material considerations do not indicate that a decision should be made other than in accordance with the development plan. For the reasons given above the appeal should be dismissed.

J Pearce

INSPECTOR