



Delegated Report

Householder Planning Application

Planning Application No: 20260834

Location: 41 Park Avenue Gravesend Kent DA12 1NS

Description: Replacement of roof and internal works following fire damage.

Applicant: Mr & Mrs M Roberts

Site Visit Date: 29 September 2026

Submitted Documents/Plans

Householder Planning Application form;
Drawing no. 8740/LBP Site location and block plans;
Drawing no. 8740/EX/1 Existing layout and elevations;
Drawing no. 8740/EX/2 Existing sections;
Drawing no. 8740/1 Proposed layout and elevations;
Drawing no. 8740/2 Proposed sections; and
Email received 29 September 2026 Site photographs.

Relevant Planning History

Reference	Description	Decision	Decision Date
20020146	Application for the variation of condition (iv) attached to planning permission ref. no. GR/91/14 relating to the erection of a single storey side extension to form garage and enlarged kitchen/diner and a dormer window in the front roof slope and conversion of the roof space into a bedroom and bathroom, to allow the conversion of the integral garage into a bedroom and shower room/wc.	Permitted	17.04.2002
19910014	Erection of single storey side extension to form garage and enlarged kitchen/diner, construction of a dormer window in the front roof slope and conversion of the roof space into a bedroom and bathroom.	Permitted	14.03.1991

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)

- None

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 3 – Decision-making policies
- 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)
- 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

Neighbouring properties

The application was publicised to six neighbouring properties by letter. No representations have been received. The overall consultation period expired on 17th September 2026.

Officer's Analysis

Design, Character and Appearance

Policy CS19 of the Gravesham Local Plan Core Strategy (2014) sets out that new development will be visually attractive, fit for purpose and locally distinctive. It should conserve and enhance the character of the built environment and take account of the scale, height, building lines and other architectural features of buildings. Account should also be taken of strategic views, site topography, the significance of heritage assets and features of townscape and landscape value which contribute to local character and sense of place. In this regard, the Householder Extensions/Alterations Design Guide SPD (2021) is relevant.

The proposed development comprises of the replacement of the roof of the dwelling with one that exactly matches with a fired damaged previous one. In addition, various internal works are proposed to rebuild the property, exactly as it was before. The proposed facing materials would match with those used on the previously existing building.

Because this proposal would replace the roof and internal layout, like for like, there would be no adverse design impacts and the proposal would be in line with Policy CS19 of the Gravesham Local Plan Core Strategy (2014) and the Householder Extensions/Alterations Design Guide SPD (2021).

Amenity of Future Occupiers

Policy CS19 of the Gravesham Local Plan Core Strategy (2014) requires new development to be located, designed and constructed to safeguard the amenity, including privacy, daylight and sunlight, of its occupants and to avoid adverse environmental impacts from pollution, including noise, air, odour and light pollution.

As a like for like replacement roof/internal layout, there would be no difference in terms of impacts to the private amenity space or the internal layout of the application property or to the privacy, daylight or sunlight of its occupants. As such, the proposal would not be detrimental to the residential amenity of future occupiers and would be in line with Policy CS19 of the Gravesham Local Plan Core Strategy (September 2014).

Neighbouring Amenity

Policy CS19 of the Gravesham Local Plan Core Strategy (2014) requires new development to be located, designed and constructed to safeguard the amenity, including privacy, daylight and sunlight, of neighbouring occupiers and to avoid adverse environmental impacts from pollution, including noise, air, odour and light pollution.

The closest residential properties to the application site are nos. 39 and 43 Park Avenue (located to the north and south respectively). Nos. 59 and 61 Old Road East are located to the south and Cherrytrees, Park Avenue is located to the north west across the roadway.

As a like for like replacement roof/internal layout, there would be no difference in terms of overlooking, overshadowing or overbearing impacts to any of the surrounding residential occupiers. As such, the proposed development would not be detrimental to the residential amenity of surrounding occupiers and would be in line with Policy CS19 of the Gravesham Local Plan Core Strategy (2014).

Suggested Conditions

Time Limit

Development in accordance with the approved plans

Materials to match existing

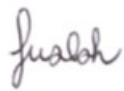
Conclusion

The proposal would comply with local and national planning policies and subject to the conditions set out above, the proposal would be acceptable.

Recommendation

Planning permission subject to conditions is recommended.

(For detailed conditions and informatives, see draft Decision)

Case Officer:	Mrs Kelly Joyce	Team Leader:	Mrs Faye Walsh
Signed:		Signed:	
Dated:	30th September 2026	Dated:	30 September 2026