

Delegated Report

Planning Application

Planning Application No: 20260733

Location: 1 Codrington Gardens, Gravesend, Kent DA12 5DB

Description: Erection of a dwelling with associated parking.

Applicant: Mr Hardeep Singh

Submitted Documents/Plans

Application form
Cover letter
Design and Access Statement
Drawing no. 3480-003 rev C (existing and proposed plans and elevations)

Relevant Planning History

20250065	Erection of a self build 2 bedroom house in the side garden of the existing dwelling with associated off road parking.	Application Refused, appeal dismissed	13.03.2025
20240655	Erection of a two storey side extension and a single storey rear extension with roof light.	Permitted	16.09.2024
20211506	Erection of an attached 2 bedroom house in the side garden of the existing dwelling house and provision of off street car parking.	Application Refused, appeal dismissed	31.01.2022
20211121	Erection of an attached 3 bedroom house in the side garden of the existing dwelling house and provision of off street car parking.	Application Refused	30.11.2021

Development Plan

Gravesham Local Plan Core Strategy (September 2014):

- CS01 – Sustainable Development.
- CS02 – Scale & Distribution of Development.
- CS11 – Transport.
- CS12 – Green Infrastructure.
- CS14 – Housing Type and Size.
- CS15 – Housing Density.
- CS18 – Climate Change.

- CS19 – Design & Development Principles.

Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards.
- T1 – Impact of Development on the Highway Network.

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 6 – Delivering a sufficient supply of homes
- Section 12 – Making Effective use of land
- Section 14 – Achieving well-designed places
- Section 15 – Promoting sustainable transport
- Section 19 – Conserving and enhancing the natural environment

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);
- Design for Gravesham: Design Code (2024); and
- SPG 4 - KCC Parking Standards (2006);

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

Southern Water

Thank you for your correspondence, please see our comments below regarding the above application.

Insufficient Information provided

Condition

Construction of the development shall not commence until details of the proposed means of foul/surface water drainage disposal have been submitted to, and approved in writing by the Local Planning Authority in consultation with Southern Water.

Connection to water distribution main

Our investigations indicate that Southern Water can facilitate water supply to service the proposed development. Southern Water requires a formal application for a connection to the water supply to be made by the applicant or developer.

To make an application visit Southern Water's Get Connected service:

<https://developerservices.southernwater.co.uk> and please read our New Connections Charging Arrangements documents which are available to read on our website via the following link www.southernwater.co.uk/developing-building/connection-charging-arrangements

Proposed Soakaways

The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development. No new soakaways should be located within 5 metres of a public or adoptable gravity sewer, rising main or water main.

No Soakaways should be connected to the public surface water sewer.

Due to legislative changes effective from 1st October 2011 regarding the ownership of sewers, It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any

sewer be found during construction work, an investigation of the sewer will be required to ascertain its ownership before any work commences on site. If this happens, please call our Customer Service Desk on 0330 303 0119.

Environment Agency

No comments to make

KCC Archaeologist

Thank you for your letter consulting us on the above planning application. In this instance I suggest that no archaeological measures are required.

GBC Environmental Protection

There is no objection to this application. The following to be considered:

Code of Practice on Construction and Demolition

Please apply as appropriate due to the proximity of other houses.

Smoke Control Informative

The proposed development is situated in a smoke control area. As such, only authorised smokeless fuels as listed in the Smoke Control Areas (Authorised Fuels) Regulations 1991 shall be burnt or fireplaces/appliances exempted by Smoke Control (Exempted Fireplaces) Orders shall be utilised. Exempt appliances are appliances (ovens including pizza and tandoori ovens, wood burners and stoves) which have been exempted by Statutory Instruments (Orders) under the Clean Air Act 1993. These have passed tests to confirm that they are capable of burning an unauthorised or inherently smoky solid fuel without emitting smoke. They must be fitted and used according to manufacturer's instructions and they can only be used for the fuel for which they are designed. When purchasing fuels and fireplaces the applicant should clarify with the vendor their suitability with respect to use in Smoke Control Areas. For further information, including confirmation that an appliance and/or fuel is suitable for use in a smoke control area, the applicant should contact the Council's Regulatory Services air.quality@gravesham.gov.uk

Drainage/sewerage informative

The foul sewage shall be removed by means of the mains drainage system and not by the use of non-mains sewerage systems, unless connection to the drainage system is not reasonably practicable.

Lighting

Artificial lighting can cause a statutory nuisance under the Environmental Protection Act 1990. It is important that the applicants are not permitted to install external lighting that illuminate anything other than the ground within the curtilage of the new properties in order to assist in preventing a nuisance from occurring (which would be most likely if the bedrooms on neighbouring properties are illuminated).

Neighbouring properties

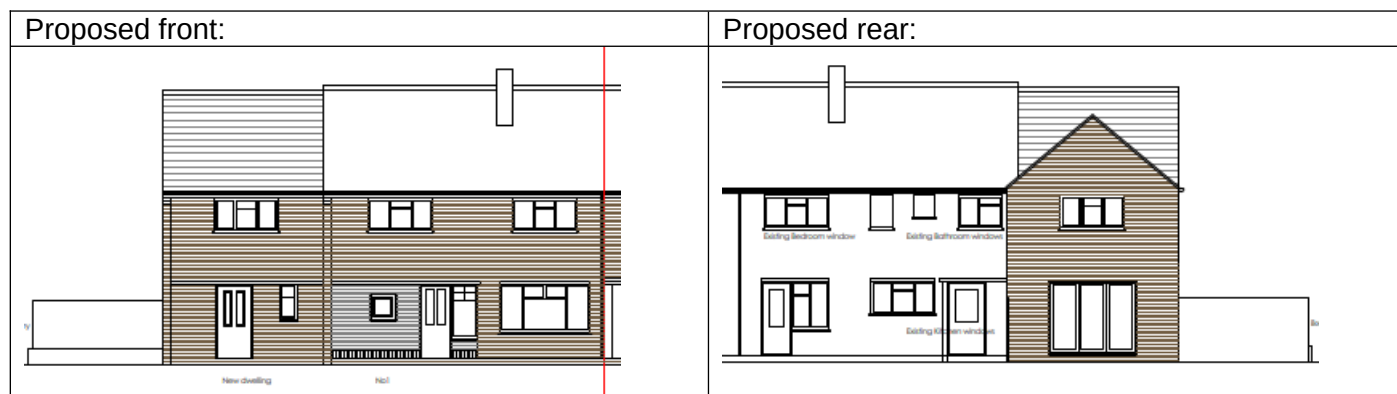
The application has been advertised by individual letters to 21 properties. One letter of representation has been received neither objecting or supporting the application. However this letter does raise concerns about the rear window overlooking properties to the north east.

Officer's Analysis

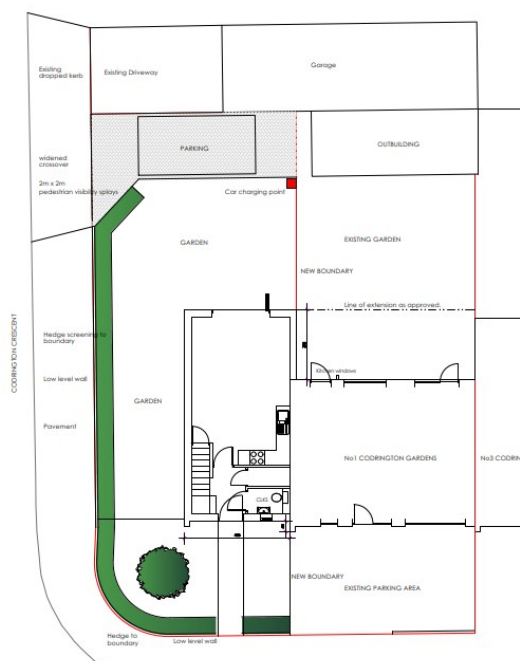
Proposal

This application seeks planning permission for the erection of a dwelling with associated parking. This proposal involves the provision of a two-storey dwelling that would be attached to the existing property at no. 1 Codrington Gardens. It would accommodate a lounge/kitchen and wc at ground floor level and two bedrooms and a bathroom at first floor level.

The submitted drawings indicate that the ridge height would be marginally lower than the ridge height of the existing dwelling and the development would be slightly set back from the front elevation of the building. The proposed dwelling has been designed to incorporate a two storey rear projection which extends 3.0m beyond the rear elevation of the adjoining property. The proposed front and rear elevations are shown below:



The submitted block plan, which shows the relationship of the proposed dwelling with the existing property, is reproduced below:



Background

The previously refused and dismissed appeal (20250065) is relevant to this application as the plans are identical.

Originally this application was refused on the following grounds:

1. The proposed dwelling is inappropriate development on a corner plot which disrupts an established building line, particularly by virtue of the two storey rear projection. It would therefore appear as an unduly prominent and overbearing addition. It would also result in a cramped form of development out of keeping with the character of the area. The proposal would therefore be harmful to the character and appearance of the site and the wider locality contrary to Section 12 of the National Planning Policy Framework (2024), Policy CS19 of the Gravesham Local Plan Core Strategy (2014) and Design for Gravesham (2024).
2. The proposal would result in a detrimental impact on the amenities of neighbouring occupiers in terms of loss of privacy and loss of outlook representing an unneighbourly form of development. The development would therefore fail to meet the tests set out in the National Planning Policy Framework (2024) and Policy CS19 of the Gravesham Local Plan Core Strategy (2014) as well as the standards set out in the Council's Residential Layout Guidelines (October 2015, adopted 1996 - amended June 2020).
3. The proposed development would fail to provide a satisfactory level of residential amenity for future occupiers due to the limited size of the private amenity area. The development would therefore fail to meet the tests set out in the National Planning Policy Framework (2024) and Policy CS19 of the Gravesham Local Plan Core Strategy (2014) as well as the standards set out in the Council's Residential Layout Guidelines (October 2015, adopted 1996 - amended June 2020).
4. The applicant has failed to provide any ecological evidence to inform a habitat regulations assessment to address the impact of the proposed development on the Thames Estuary and Marshes Ramsar site and Special Protection Area (SPA) or offered a financial contribution towards the identified mitigation measures to address the impact of the development on the SPA/Ramsar site. The proposal is therefore contrary to the requirements of the Habitat Regulations, Section 15 of the National Planning Policy Framework (2024) and Policy CS12 of Gravesham's Local Plan Core Strategy (2014).

The only reason for refusal that was upheld by the Planning Inspector was reason four. This payment has now been made.

Housing Need

The Local Plan Core Strategy was adopted by the Council in September 2014 and is more than five years old. Local housing need is therefore calculated using the Government's Standard Method, establishing a baseline requirement of 687 dwellings per annum.

The Housing Delivery Test (HDT), published by the Government on 17 August 2026, sets out that the presumption in favour of sustainable development applies within the Borough. National decision-making policy S3 of the Framework sets out that decisions on development proposals should apply a presumption in favour of sustainable development, as follows:

- a) National decision-making policy S4 of the Framework should be applied when considering development proposals within settlements;
- b) National decision-making policy S5 of the Framework should be applied when considering development proposals outside settlements; and
- c) In all locations, development proposals that accord with both an up-to-date development plan and the decision-making policies of the Framework are to be approved without delay.

The Council's most recent Five-Year Housing Land Supply Statement, covering the period 2025-2030, identifies a deliverable supply of 2,053 dwellings against a buffered requirement of 4,056 dwellings (based on the 2025 outcome of the standard method). The Council is therefore currently unable to demonstrate a five-year supply of deliverable housing land. This position equates to a housing land supply of 2.53 years.

National decision-making policy HO7 sets out that substantial weight should be given to the benefits of providing homes which will contribute towards meeting the evidenced accommodation needs of the



community, taking into account evidence produced for the Council e.g. a local housing needs assessment, and the needs for different groups.

The proposed development is for a net increase of one residential unit, which would contribute towards meeting an unmet need for general market housing as identified in the Council's Local Housing Need Assessment (October 2025). Therefore, substantial weight should be afforded to meeting the needs of the housing needs of the community.

However, this has to be balanced against other requirements of the Development Plan and the NPPF 2026, including as set out in National decision-making policy DP3 Para.3, compliance with relevant development plan policies when assessing the design quality of proposals i.e. Local Plan Core Strategy Policy CS19: Development and Design Principles. This and other matters will be discussed in detail in the sections below.

Principle of Development

The application site is located in the urban area where the principle of development is acceptable subject to the proposal being appropriate in terms of other planning issues.

Design, Character and Appearance

The application site lies on the north-western side of Codrington Gardens at its junction with Codrington Crescent. It comprises the side garden of the existing property at no. 1 Codrington Gardens. This property is a two-storey, end of terrace dwelling which can be seen in the following photograph:



The site is located within a predominantly residential area that comprises properties of a similar scale and design to the property at no. 1 Codrington Gardens.

Whilst concerns were raised by the Council previously about the building line and the two storey rear projection resulting in a prominent and overbearing addition the Inspector did not share this view. He said in his report that, despite the set back of the dwellings from the road, the landscaped areas and spacious character of the area, the proposal would not substantially dominate this part of the site and would 'therefore maintain, to a reasonable degree, the established rhythm of built form along both Codrington Gardens and Codrington Crescent', including the symmetry and openness of the corner plots that positively

contribute to the area's character'.

The Council felt that the proposed dwelling would appear cramped due to its much narrower width than the host property and that this would fail to reflect the established pattern of built form within the locality. The Inspector did not agree and stated that 'I concur with the appellant that, given the scale and massing of the two proposals [referring also to 20240655 for an extension to no. 1 Codrington Gardens], any additional impact beyond that of the approved scheme would not be unacceptable'.

Overall, the Inspector found that the proposal would not result in harm to the character or appearance of the locality. Given that the same plans are being considered here, it is only right to conclude the same. The proposed development therefore accords with policy CS19 of the Gravesham Core Strategy 2014 and Section 14 of the National Planning Policy Framework 2026.

Amenity

Neighbouring Amenity

In terms of overlooking 64 Wilberforce Way the Council had raised concerns due to the distances between properties. The Inspector however found that, despite the distances being lower than the adopted standards, these already existed between the established properties. In summary he found that 'the separation distance to the opposite property in Wilberforce Way remains substantial. The presence of a garage between the plots further reduces any potential for direct overlooking, and the neighbouring dwelling is not positioned directly behind the proposed new dwelling'. Whilst it is noted that a neighbour has concerns regarding the overlooking of the bedroom window, the Inspector dealt with this in his decision and therefore a refusal on this basis would not be upheld at appeal.

The Council also had concerns regarding the two storey element of the proposed dwelling and its projection of 3m beyond the rear of 1 Codrington Gardens resulting in being visually overbearing and intrusive to the occupiers of this dwelling dominating views from the ground floor kitchen windows and adversely affecting the outlook from the rear garden. The Inspector found that the previously approved scheme included a rear projection of 3m. The only habitable window is approx. 5.3m away and therefore will not be impacted. As this situation is the same as that considered by the Inspector, the same conclusion can be made.

Future Occupiers

The proposed garden area exceeds the adopted standards in terms of area however it falls short on depth. The Inspector was satisfied that the overall garden area would remain adequate and that, subject to conditions, the development would not harm the living conditions of future occupiers. The suggested conditions were:

5. Prior to any part of the permitted development being occupied or used, a scheme detailing the proposed soft landscaping scheme shall be submitted to and approved, in writing, by the Local Planning Authority. The scheme shall then be carried out in full within the first planting season. Any trees or plants that die, are damaged, removed or become diseased within five years from implementation shall be replaced with a similar size and species during the next planting season.

Reason: To ensure that the landscaping is maintained in the long term in the interests of the visual amenity of the site and biodiversity, in accordance with Policies CS12 and CS19 of the Gravesham Local Plan Core Strategy (2014).

6. Prior to above ground works, a scheme detailing the proposed hard surface treatments and screening by walls, fences or other means shall be submitted to and approved, in writing, by the Local Planning Authority. This information shall include the means for surfacing and drainage. The scheme shall then be constructed in accordance with these approved details and completed, in its entirety, prior to first

occupation of the development. Thereafter the boundary shall be retained and not subsequently altered.

Reason: In order to ensure an acceptable standard of development upon completion, in accordance with adopted Policy CS19 of Gravesham Local Plan Core Strategy (2014).

7. Before the access hereby permitted is first brought into use 2.0m by 2.0m pedestrian visibility splays shall be provided at the back edge of the footway on either side of the vehicular access and thereafter no boundary wall, fence or other means of enclosure or obstruction exceeding 600mm in height shall be erected or placed within the visibility splays.

Reason: In the interests of highway and pedestrian safety and pursuant to Policy CS11: Transport, of the Gravesham Local Plan Core Strategy (2014) and saved Policy T5: Access to the Identified Highway Network, of the Gravesham Local Plan First Review (1994).

8. No gates shall be installed across the vehicular access and driveway hereby permitted at any time.

Reason: In the interests of highway safety and to avoid vehicles waiting in the road while gates are opened or closed and pursuant to Policy CS11: Transport of the Gravesham Local Plan Core Strategy (2014) and saved Policy T5: Access to the Identified Highway Network of the Gravesham Local Plan First Review (1994).

Updated conditions are recommended for this application in the event it is approved. The proposed development therefore would not harm the living conditions of residents of the neighbouring dwelling or new dwelling and would therefore comply with Policy CS19 of Gravesham's Local Plan Core Strategy (2014) and the requirements of Gravesham Supplementary Planning Guidance (SPG) 2 (Adopted February 1996; amended June 2020).

Ecology and Biodiversity

SAMMS

The Thames Estuary and Marshes Ramsar site and Special Protection Area (SPA) are internationally important for nature conservation as the area is a wetland and supports important numbers of wintering waterbirds and migrating birds. There has been a decline in the number of birds using these sites in recent years. Studies show that this could be due to people using the estuary and marshes for recreation purposes. The North Kent Bird Disturbance Report concludes that all new housing development within 6km of the North Kent Ramsar Sites or Special Protection Areas (including the Thames Estuary and Marshes) and larger housing development beyond 6km from the sites could have an adverse impact on them. This is because new housing development is likely to lead to further increases in recreational use of the sites which means that further declines in the bird population cannot be ruled out. Possible mitigation measures are set out in the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring Strategy. Having considered a number of options, the Council have decided to impose a tariff on new housing development. Developers will need to pay £350.16 for every new dwelling provided within 6km of the Ramsar site and SPA and for larger housing developments beyond 6km from them. The money raised will be used to pay for schemes to avoid the adverse impacts of new housing development on the birds. The applicants have paid towards the mitigation.

The proposal secures a contribution towards strategic mitigation measures within Special Protection Areas, and therefore the development complies with the requirements of the Habitat Regulations and Chapter 19 (specifically policy N6) of the National Planning Policy Framework 2026 and Policy CS12 of the Gravesham Local Plan Core Strategy 2014.

Biodiversity Net Gain

Biodiversity net gain (BNG) is a way of creating and improving natural habitats. BNG makes sure development has a measurably positive impact ('net gain') on biodiversity, compared to what was there before development.

In England, BNG is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Developers must deliver a BNG of 10%. This means a development will result in more or better quality natural habitat than there was before development.

This application is exempt from the requirement to provide 10% BNG.

Parking and Highways

The Council raised no objection to the proposed parking layout in the previous application. This layout remains the same and therefore no concerns are raised. A condition is however recommended, as stated above, relating to visibility splays and gates. Subject to this no objection is raised on highways grounds.

Conclusion

The proposed dwelling will have no significant detrimental impact on the character and appearance of the area, amenities, parking or highway safety and therefore accords with the abovementioned policies and is recommended for approval.

Recommendation:

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

Case Officer:	Mrs Alison Webster	Team Leader:	Richard Hart
Signed:		Signed:	<i>R Hart</i>
Dated:	10 September 2026	Dated:	11th September 2026