
Appeal Decision

Site visit made on 30 September 2025

by **G Dring BA (Hons) MA MRTPI MAUDE**

an Inspector appointed by the Secretary of State

Decision date: 24 October 2025

Appeal Ref: APP/K2230/W/25/3368863

Land adjacent to 35 Clarence Place, Gravesend DA12 1LB

- 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 Harwinder Singh Shah against the decision of Gravesend Borough Council.
 - The application Ref is 20241133.
 - The development proposed is erection of a 4 storey building comprising of 4no flats.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Whilst it is identified in Section E of the appeal form that the description of development has not changed, the one provided on the appeal form is slightly different to that provided on the planning application form. As it more clearly describes the proposed development, I have taken the description of development above from the appeal form rather than the planning application form.
3. The appeal site is located within the Windmill Hill Conservation Area. As such I have had regard to my duty under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires me to have special regard to the desirability of preserving or enhancing the character or appearance of the conservation area.
4. The Council has confirmed that following receipt of a completed Strategic Access Management and Monitoring (SAMMS) Contribution Agreement, the second reason for refusal relating to the impact on European sites and the lack of mitigation measures is now resolved. I will therefore consider this as an other matter rather than as a main issue in this case.

Main Issue

5. The main issue is whether the proposal would preserve or enhance the character or appearance of the Windmill Hill Conservation Area (CA), a designated heritage asset.

Reasons

6. The appeal site forms part of the landscaped grounds that surround the Veteran's Club to the south of Clarence Place and is located within the CA. The Windmill Hill Conservation Area Appraisal 2009 (CAA) identifies the character of the CA as a residential suburb, containing a large number of buildings of architectural and

historic interest with open spaces that form a green and open character with mature individual trees and tree groups present. Whilst the CAA is of some age, with the survey work taking place in 2007, it remains a material consideration to be taken into account alongside other relevant considerations in this case, including what I saw during my site visit.

7. I witnessed that the built form along Clarence Place is comprised of paired villas and stucco terraces. Development along the northern side of the street is more continuous whereas along the southern side it is more varied, with more open green spaces and mature trees visible in the streetscene. The significant majority of buildings are set back from the pavement, behind front gardens. Front boundary treatments generally consist of brick walls, railings and a combination of both, but in most cases the front gardens remain visible adding to the spaciousness of the streetscene.
8. The significance of this part of the CA is therefore largely comprised of the spacious and open green spaces, the particular historic and architectural detailing and materials of the buildings and how they are arranged, the layout of built form including the set back of buildings from the street behind front gardens and the characteristic front boundary treatments.
9. The open landscaped grounds around the Veteran's Club, including the appeal site, contributes to the pleasant verdant open and spacious character of the CA. The front boundary treatment also reflects the characteristics of the prevailing boundary treatments along the street. Adjacent to the east of the appeal site is 32-35 Clarence Place, which are residential properties of a paired villa development type. The CAA identifies these dwellings as unlisted buildings which have townscape merit given that they are good examples of relatively unaltered historic buildings where their style, detailing and building materials provide the streetscape with interest and variety. I agree that 32-35 Clarence Place make a positive contribution to the special interest of the CA, because they reinforce the local distinctiveness of built form in this part of the CA.
10. Whilst some of the landscaped area would remain, in particular to the front, rear and west of the Veteran's Club, the provision of a building on part of the open and undeveloped space which provides a break in built form between 35 Clarence Place and the Veteran's Club would harmfully erode the open, verdant and spacious character of this part of the CA.
11. The appeal proposal would result in a four storey building attached to the side elevation of No 35 which is also a four storey building. The main part of the proposed building would have both an eaves and ridge height that would be taller than the main part of No 35. Whilst it would not be significantly taller, the difference in height would appear at odds with the established paired villa that it would be attached to.
12. The width of the proposal would cause visual unbalance, given it would alter and erode the appearance and layout of the established paired villa development type. The side elevation of the proposed building would become a more dominant feature in the streetscene than the side elevation of No 35 in the current circumstances, given the removal of the vegetation on the appeal site. Whilst some vegetation would be retained, I am not satisfied that it would be possible to provide a similar level of vegetative screening given the proposed positioning of

the building in close proximity to the Veteran's Club. The replication of some historic features which are common in the CA, such as the bay windows and the lower side projections, would not overcome my concerns about the overall proposed design.

13. The proposed dwelling would be set back from the street behind a front garden area, in keeping with the general layout of Clarence Place. However, the development would involve the removal of the front boundary wall and railings and replacement with a dwarf wall with 1.6 metre high post and panel fencing on top. This feature would enclose the front garden space, reducing the openness and spaciousness of the site and it would appear significantly at odds with the prevailing boundary treatments along the street.
14. For the above reasons, I find that the proposal would not preserve or enhance the character or appearance of the CA. The proposal would therefore be contrary to Policies CS19 and CS20 of the Gravesham Local Plan Core Strategy Adopted September 2014 and Policy TC3 of the Gravesham Local Plan First Review Saved and Deleted Policies Version (September 2014). These policies seek, amongst other things, that developments preserve, protect and enhance the historic environment and that the significance of heritage assets, including conservation areas, are taken into account.
15. Paragraph 212 of the National Planning Policy Framework (the Framework) advises that, when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 213 goes on to say that any harm to, or loss of, the significance of a designated heritage asset from development should require clear and convincing justification. Due to the scale and nature of the proposal, the harm to the heritage asset would be less than substantial. In these circumstances, paragraph 215 of the Framework advises that this harm should be weighed against the public benefits of the proposal.
16. The proposal would provide four new flats on a small site in an area where future occupants would have access to a range of services, facilities and public transport provision. This would present a public benefit, particularly given the Council are unable to demonstrate a sufficient housing land supply currently. There would be economic benefits during the construction phase and after with future occupants supporting the local economy. I note that a Preliminary Ecological Appraisal is submitted which identifies that mitigation and enhancement measures could be provided in respect of ecological matters and I note that it is asserted that biodiversity net gain could be achieved using off-site measures. Nevertheless, given the scale of the proposal these benefits would be limited.
17. Taking into consideration the great weight that should be given to the heritage assets conservation, the public benefits are limited and do not outweigh the less than substantial harm that would be caused to the significance of the heritage asset. As such, clear and convincing justification for this harm has not been identified.

Other Matters

18. In addition to a number of objections, some letters of support for the proposal were received in response to the planning application, supporting the delivery of new homes on an underutilised site and to help prevent anti-social behaviour at night.

Whilst I understand the points raised, I do not find that the site is underutilised given it contributes in a positive way to the significance of the CA. I also do not have any compelling evidence about the level of anti-social behaviour that currently takes place on the appeal site. I have found that the proposal would result in harm in relation to the CA, which would outweigh the benefits identified in this case.

19. The appeal site is located within the zone of influence of the Thames Estuary and Marshes Special Protection Area and Ramsar, which are designated as European sites due to their importance for nature conservation and wintering wildfowl. The Conservation of Habitats and Species Regulations 2017 (the Regulations) requires the decision maker to undertake an Appropriate Assessment (AA) where there are likely significant effects from the proposal, either alone or in combination with other plans or projects.
20. I note that in response to the Council's second reason for refusal a SAMMS agreement has been submitted that identifies the Council has received a mitigation payment in this respect. However, regulation 63(1) of the Regulations indicates the requirement for an AA is only necessary where the competent authority is minded to give consent for the proposal. Therefore, in view of my findings above, it has not been necessary to address this in any further detail. This matter weighs neither for, nor against the proposal.
21. The Council has identified that it cannot currently demonstrate a sufficient five year housing land supply, confirming the current supply figure at 3 years. The Council also confirms that it fell below 75% on the Housing Delivery Test in the most recent calculation. However, with reference to footnote 7 of the Framework, the harm I have found to the CA as a designated heritage asset provides a strong reason for refusing the proposed development. As such, paragraph 11 d) ii. of the Framework is not engaged.

Conclusion

22. The proposal conflicts with the development plan taken as a whole. There are no material considerations of sufficient weight, including the Framework, which indicates a decision other than in accordance with the development plan. Therefore, I conclude that the appeal is dismissed.

G Dring

INSPECTOR