
Appeal Decision

Site visit made on 25 September 2025

by **A Oyebade MSc FCILT**

an Inspector appointed by the Secretary of State

Decision date: 20th March 2026

Appeal Ref: APP/K2230/W/25/3367014

1 Codrington Gardens, Gravesend, Kent DA12 5DB

- 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 Hardeep Singh against the decision of Gravesend Borough Council.
 - The application Ref is 20250065.
 - The development proposed is proposed new attached dwelling with associated parking.
-

Decision

1. The appeal is dismissed.

Main issues

2. The main issues are the effect on the:
 - character and appearance of the area;
 - living conditions of residents of neighbouring dwellings;
 - living conditions of future occupiers of the development; and
 - ecology in the area.

Reasons

Effect on the character and appearance of the area

3. This residential neighbourhood is defined by its mid-20th-century terraced housing and a calm, suburban character. The properties are arranged in consistent rows, giving the street a cohesive and orderly appearance. Homes typically feature brick façades, simple rooflines and modest garden spaces. Corner-plot properties tend to be larger and may include driveways or additional land with soft landscaping or dense vegetation. Although several houses on Codrington Gardens appear to have been extended, these additions are generally sympathetic in scale and design, allowing the street to retain its distinctive mid-century terraced character.
4. The landscaped area that forms the site of the proposed development, together with the adjoining greenery beside neighbouring dwellings on Codrington Crescent, sets both the host building and the properties opposite further back from the road, contributing to a sense of openness. As one walks towards Wilberforce Way via the adjacent Codrington Crescent, the prominence of this landscaped space, with its dense vegetation, combined with the substantial planting around the corner plot at the junction with Wilberforce Way, makes the properties along Wilberforce Way appear somewhat recessed, reinforcing this open character. The view of the skyline

across Wilberforce Way, as seen from Codrington Crescent with the appeal site to the right, provides an attractive backdrop to the street scene and enhances the overall feeling of spaciousness in the area.

5. These features give the street scene a strong rhythm and a notably open, spacious character. The appeal 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.
6. The Council's position is that the footprint of the proposed development, including its frontage, would be appreciably narrower than the host dwelling and other properties in the vicinity. It considers that this reduced width would result in a cramped form of development when read alongside neighbouring dwellings, and that the resulting proportions would fail to reflect the established pattern of built form within the locality.
7. However, the evidence before me does not support that conclusion. The appellant has drawn my attention to several comparable schemes that have been granted planning permission within the surrounding area, including developments at No. 32 Codrington Gardens (Ref. 19880472), No. 31 Stanley Crescent (Ref. 20160854), No. 59 Livingstone Road (Ref. 20081091) and No. 51 Wilberforce Way (Ref. 19880556). Many of these approved extensions have widths in the region of 4 metres, which is broadly consistent with the appeal proposal at 4.5 metres wide. The appellant also demonstrates that the proposed development would be 1 metre wider than the previously approved scheme (Ref. 20240655) on the site. Notwithstanding, I acknowledge that the appeal proposal is for a new dwelling and not an extension like the previously approved scheme. However, I concur with the appellant that, given the scale and massing of the two proposals, any additional impact beyond that of the approved scheme would not be unacceptable.
8. The Council observes that the end property at No. 2, located opposite the appeal site, appears to have been extended closer to Codrington Crescent than the host dwelling. However, it maintains that the proposed development would project beyond the general building line along the eastern side of the street and would therefore appear as a prominent and overbearing addition. The submitted block plan, however, illustrates the relationship between the existing footprints of both dwellings before and after the extension of the host property to accommodate the appeal proposal. This plan indicates that the difference in the degree of projection of the two properties towards Codrington Crescent would be marginal. I also note that No. 2 features a high boundary fence positioned adjacent to the back of the footway on Codrington Crescent, enclosing a tall wooden structure extending along the side of the property at its rear. This existing arrangement further reduces the perceptibility of any variation in the building lines when viewed from Codrington Crescent.
9. The Council also refers to the previous application (Ref. 20211506) that was refused and subsequently dismissed on appeal (Ref. APP/K2230/W/22/3291943). In that decision, the Inspector found that "the proposed house would extend out beyond the general building line along the eastern side of the street and would appear as a prominent and overbearing addition. The house would appear cramped in its surroundings and would not make a positive contribution to the

street scene of Codrington Crescent but would materially harm its character and appearance.” However, in that scheme, the footprint is larger than that of the appeal proposal, projecting significantly closer to Codrington Crescent. As a result, the extension would be more visually prominent, particularly when compared with the building at No. 2.

10. Taking these factors together, I find that the proposal would not result in harm to the character or appearance of the locality. Accordingly, it would comply with Policy CS19 of the Gravesham Local Plan Core Strategy (2014) and with the design principles set out in Design for Gravesham (adopted 2024).

Effect on living conditions of residents of neighbouring dwellings

11. The Council argues that the proposed dwelling would extend 3 metres beyond the rear elevation of No. 1 Codrington Gardens, thereby reducing the separation distance from that in the previously refused scheme to approximately 18.5 metres between the proposal and the rear elevation of No. 64 Wilberforce Way. This would be 3.0 metres less than the distance associated with the earlier appeal proposal and 7.5 metres below the minimum standard set out in the Council’s adopted Gravesham Residential Layout Guidelines (RLG). On this basis, the Council considers that the development would lead to an unacceptable loss of privacy for the occupiers of No. 64 Wilberforce Way.
12. The Council nevertheless refers to comments made by the Inspector in a previous appeal for a different scheme, where it was noted that: “In terms of overlooking the Council advises that the gap to the rear of the nearest property in Wilberforce Way is 21.5m whereas the present standard in the RLG is 26m. However, given that the housing layout of these streets is long established and a similar distance between properties prevail, I am satisfied that no serious overlooking or loss of privacy would occur which would be out of place with the general locality, and that the deficiency does not justify the refusal of the scheme on this ground alone.”
13. Having regard to the previous Inspector’s findings and my own observations on site, I agree with the appellant 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. Accordingly, the appeal proposal would not result in harm to the privacy of the occupiers of No. 64 Wilberforce Way.
14. The Council further argues that the proposed dwelling would extend 3 metres beyond the rear elevation of No. 1 Codrington Gardens and would sit directly on the shared boundary. Owing to its position, height and overall scale, this part of the scheme would appear visually overbearing and intrusive to the occupiers of the host property. It is said that it would dominate views from the ground-floor kitchen window and adversely affect the outlook from the rear garden.
15. Nonetheless, the appellant notes that within the surrounding residential area there are numerous examples of two-storey rear extensions projecting 3 metres beyond the original rear building line, which are considered acceptable. The previously approved scheme also includes a 3-metre rear projection, resulting in the same building line as the appeal proposal. The three first-floor windows of the host dwelling adjacent to the proposal serve non-habitable rooms, a bathroom and landing, and therefore would not be materially affected. The main bedroom window

would remain unaffected, being positioned 5.3 metres away from the proposed development.

16. Accordingly, the proposal would not harm the living conditions of residents of the neighbouring dwelling. It 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).

Effect on living conditions of future occupiers of the development

17. The Gravesham RLG specify that a 1–2 bedroom property must provide a minimum garden area of 37.2 m² and a minimum depth of 7.6 metres. The Council notes that while the proposed garden would exceed the required area, its depth would fall slightly below 6 metres, meaning it would not meet the minimum amenity space standards set out in the adopted guidelines. The Council also refers to a previous appeal decision for the site (Ref: APP/K2230/W/22/3291943), in which the Inspector accepted that although the scheme did not demonstrate adequate visibility splays for the new parking space off Codrington Crescent, sufficient land existed to achieve them without materially reducing the garden size. The Council maintains that achieving the necessary visibility would require adjusting the position of the proposed parking space and has recommended an appropriate condition to secure this.
18. I am satisfied that the overall garden area would remain adequate and that, with the inclusion of the Council's proposed Conditions 5, 6, 7 and 8, the development would not harm the living conditions of future occupiers. The proposal would therefore accord with Policy CS19 of the Gravesham Local Plan Core Strategy (2014) and the requirements of Gravesham Supplementary Planning Guidance (SPG) 2 (Adopted February 1996; amended June 2020).

Effect on ecology in the area

19. It is agreed between the parties that the appeal site lies close to the Thames Estuary and Marshes Special Protection Area (SPA) and Ramsar site, both of which are highly sensitive to increased recreational pressure arising from new development. To mitigate such impacts, a Strategic Access Mitigation and Monitoring Strategy (SAMMS) contribution of £328.27 per dwelling is required. The appellant states that the Council did not request this payment; however, they remain willing to provide it through a pre-commencement condition or a unilateral undertaking. Notwithstanding, there is no mechanism before me in the form of a signed unilateral undertaking or S.106 agreement to secure this payment. The proposal would therefore not comply with Policy CS12 of the Gravesham Local Plan Core Strategy (2014) and the requirements of the Framework in this respect and the Conservation of Habitats and Species Regulations 2017.

Other Considerations and Planning Balance

20. It is common ground that the Council is unable to demonstrate a five-year supply of deliverable housing sites, with the Council's officer's statement identifying only a 2.9 years' supply, which is substantially below that required. In such circumstances, paragraph 11(d)(ii) of the National Planning Policy Framework ("the Framework") provides that planning permission should be granted unless the

adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Framework policies taken as a whole.

21. The proposal would provide additional dwellings in a Borough that is currently delivering significantly below the level of housing supply required by national policy. These carry clear social and economic benefits, both during construction and once the units are occupied.
22. Moreover, the appellant described the development as a self-build property. It is acknowledged that the Council is presently unable to demonstrate compliance with its obligations under the Self-build and Custom Housebuilding Act 2015 (SCHA 2015). Accordingly, the delivery of a single self-build dwelling can attract some weight in the overall planning balance.
23. I have considered paragraph 63 (and its relevant footnote) of the Framework. However, there is no mechanism before me in the form of a planning obligation to secure the development as a self-build. Reliance on just the description of development would not be sufficient to ensure that the dwelling would be constructed as such. Therefore, while the Framework refers to meeting the housing needs of different groups in the community, the weight that I can give to the proposal being a self-build house is very limited.
24. In this case, I conclude that the appeal proposal has not demonstrated that there would not be any harm to the Thames Estuary and Marshes SPA and Ramsar site. When considered against the Framework policies as a whole, I find that the adverse impact would significantly and demonstrably outweigh the benefits of the scheme.

Conclusion

25. The appeal scheme conflicts with the development plan as a whole. No other material considerations have been advanced that would justify a decision other than in accordance with the plan. For the reasons set out above, the appeal should be dismissed.

A Oyebade

INSPECTOR