



Delegated Report

Householder Planning Application

Planning Application No: 20260252

Location: 47 The Avenue Gravesend Kent DA11 0LX

Description: Formation of a single off-street car parking space and installation of a dropped kerb.

Applicant: Mr Dhiman

Site Visit Date: 26.03.2026

Submitted Documents/Plans

Application Form;
Supplementary Information – Heritage Statement;
Drawing No. 001 Rev.A – Site Location Plan and Block Plans – Existing and Proposed;
Drawing No. 002 Rev.A – Front Layout Plan – Existing;
Drawing No. 003 Rev.A – Front Layout Plan – Proposed;
Drawing No. 004 Rev.A – Visibility Splays; and
Drawing No. 005 Rev.A – Front Boundary – Existing and Proposed.

Plan Note

The Heritage Statement has an error within its title and refers to the description of another application however this does not impact the assessment of this application.

Relevant Planning History

Reference	Description	Decision	Decision Date
20260248	Application for a Proposed Lawful Development Certificate; Erection of an outbuilding to provide space for Gym/Workshop/Storage.	Certificate Granted	21.04.2026

In addition to the above and this current application, there is another application for 47 The Avenue pending consideration at this time:

20260251 - Demolition of existing rear projection. Erection of a rear/side extension with roof lantern. (Pending Consideration)

Furthermore, in 2024, pre-application advice for the installation of a driveway at this site was given. This remains relevant to this current proposal and shall be referred to within this report.

Preliminary Matters

The property is located within the Conservation Area and is covered by the pelham Road and The Avenue Conservation Area Article 4 Direction Ar/08/2. Article 4 Directions were introduced in an attempt

to address unsympathetic alterations to dwellings that harm or erode the character of the area. With regards to this application, it means that planning permission is required for the development.

Development Plan

Gravesham Local Plan Core Strategy (2014)

- CS01 – Sustainable Development
- CS02 – Scale & Distribution of Development
- CS11 – Transport
- CS12 – Green Infrastructure
- CS18 – Climate Change
- CS19 – Development & Design Principles
- CS20 - Heritage and the Historic Environment

Gravesham Local Plan: First Review (1994)

- P3 – Vehicle Parking Standards
- TC3 – Development Affecting Conservation Areas

Paragraph 34 of the NPPF (2024) sets out that 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 as set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012.

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 (2024), the Council will also seek to replace these.

National Planning Policy Framework (2024)

- Section 2 – Achieving Sustainable Development
- Section 12 – Achieving Well-Designed Places
- Section 16 – Conserving and enhancing the historic 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)
- SPG 4 – KCC Parking Standards (2006)
- Gravesham Householder Extensions/Alterations Design Guide (2021)
- Design for Gravesham – Design Code (2024)
- 19th Century Suburban Conservation Area Management Plan; and
- Pelham Road and The Avenue Conservation Area Appraisal (2009).

Other Relevant Guidance

- Kent County Council Dropped Kerb Guidance and Self-Assessment (2023)
- Gravesham Driveway Dropped Kerb Guidance (Informal Guidance) (2023)
- Gravesham Front Driveway Design Guidance (Informal Guidance) (2026)

Section 72(1) of the Planning Listed Building and Conservation Areas Act 1990 (as amended) requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

Emerging Local Plan as a Material Consideration

Paragraph 48 of the Framework makes it clear that planning applications can only be determined in accordance with the development plan, unless material considerations indicate otherwise. An emerging Local Plan, does not form part of the Development. The Framework, at Paragraph 49 allows local planning authorities to give weight to relevant policies in emerging Local Plans, according 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 consistency of the relevant policies in the emerging plan to the Framework, the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given to those policies.

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 (Paragraph 49) of the Framework.

The Council's emerging Local Plan, is in the process of being consulted upon (it has reached Regulation 19 stage), the Council is not yet aware of whether third parties will support or object to specific policies within the Plan, or whether they will consider the policies with the emerging Local Plan to be broadly sound and consistent with the NPPF (2024). 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

Local Ward Councillors

No Comments received.

GBC – Conservation Officer

No comments received.

Neighbouring properties

Four surrounding properties were consulted, a site notice was displayed on 26.03.26, the application was advertised in the paper and no comments were received. The overall expiry date for consultation was 17.04.26.

Site Description

47 The Avenue is a two-storey detached property located on the south-eastern corner of the crossroad



junction between The Avenue and Lennox Road East.

Site Photos



This application proposes the formation of a single off-street car parking space and installation of a dropped kerb.

Proposed Development

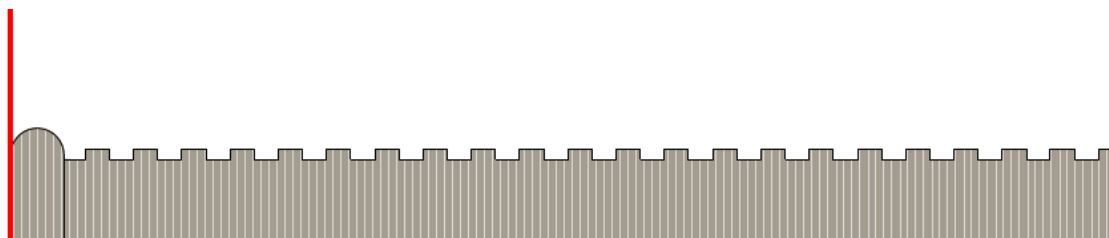
The development would include the following:

- removal of part of the front boundary treatment fronting the avenue, including any planting
- a reduction of the height of part of the remaining boundary treatment
- creation of a 5.50m x 2.70m permeable paved hardstanding area within the front garden
- a proposed planting bed

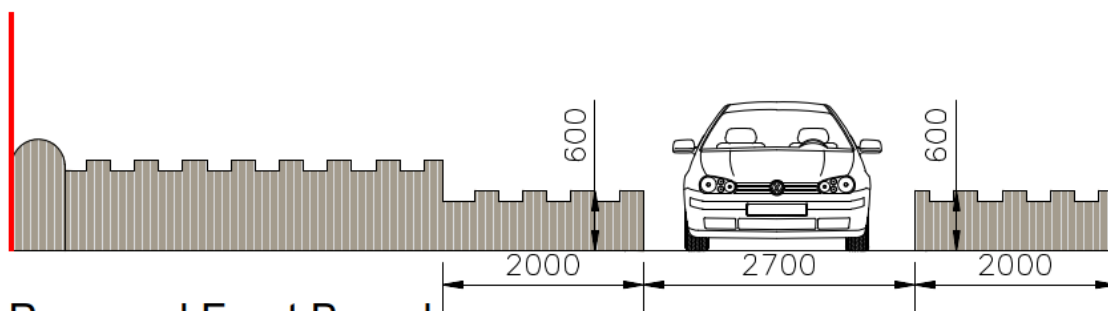


Note - Clip front planting of the proposed planting bed to 600mm as a low hedge, retaining it at 600mm max height across sight lines.

The approved soft landscaping scheme shall be implemented in the first planting season following the completion of the dwellinghouse. The hard and soft landscaping schemes shall thereafter be maintained for a period of five years.



Existing Front Boundary



Proposed Front Boundary

Officer's Analysis

Impact on the Conservation Area and, Design, Character and Appearance

The site is located within the Pelham Road and The Avenue Conservation Area and as such the principle issue in determining this application is whether the proposed development will preserve or enhance the character and appearance of the Conservation Area. As such, Policy CS20 of the Gravesham Local Plan Core Strategy (September 2014) and Saved Policy TC3 of the Gravesham Local Plan First Review November 1994 are relevant as well as Section 16 of the National Planning Policy Framework (2024). These policies place a high priority on the preservation, protection and enhancement of the heritage and historic environment.

Policy CS19 (Development and Design Principles) (LPCS) (2014) states that new development will be visually attractive and locally distinctive. It should also conserve and enhance the character of the local built and natural environment and integrate well with the surrounding area.

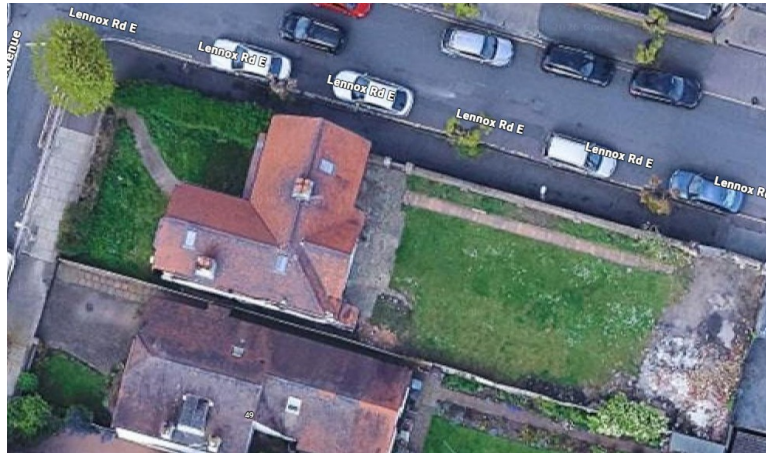
The Design For Gravesham Design Code (2024) is a strategic document that sets out Gravesham's vision and expectation for quality place-making. Gravesham's Householder Extensions/Alterations Design Guidance SPD (2021) set out key principles for new developments. Generally, the SPD (2021) highlights the importance of new development complimenting and corresponding to existing character and the wider context.

Properties along The Avenue are set back behind front gardens. The front boundary treatments vary, with common features including brick walls, piers, hedges and low walls with railings, with some accesses interspersed. As identified by the Planning Inspector for a dismissed appeal at 2D The Avenue (APP/K2230/D/19/3224124) (Appendix 1), this established boundary line at the back edge of the pavement is a traditional characteristic feature of The Avenue and, therefore forms part of the character and appearance of this Conservation Area and is an important feature to the significance of this Conservation Area as a heritage asset of the Borough. The Inspector goes on to state, *'an Article 4 Direction is in place the objective of which is, amongst other matters, to secure the retention of boundary walls and fences. The Council, in adopting this Direction, clearly considers the retention of the existing front boundaries to be important to the character and appearance of this CA. Indeed, those properties in which the front boundaries have been removed have, rather disappointingly, diminished the rhythm of traditional street frontage boundaries to some extent and this, to my mind, supports the Article 4 Direction that is in place, along with its aims and purpose.'* This position is mirrored within The Pelham Road/The Avenue Conservation Area Character Appraisal which identifies positive features and negative features of the Conservation Area. Brick boundary walls and buildings being set back from the road with a common building line and front gardens are identified as positive features, whilst the negative features include; the paving over of front gardens and, the poor maintenance or the total replacement or loss of some front boundaries.

In the case of the application property, part of the boundary and garden would be lost to facilitate the access and hardstanding area, which is considered harmful to the character and appearance of the Conservation Area. In addition, the property is situated on a prominent corner location, and as with the other properties located on the corners of this crossroad (45B The Avenue, 16 The Avenue, 18 The Avenue), they do have existing accesses which are located to the rear of the properties; with the front boundary treatments fronting The Avenue and Lennox Road East remaining in situ, and reinforcing this important characteristic of this Conservation Area. The existing access for the application property is located on Lennox Road East (which leads to the rear garden of the property):



Photo and Google Aerial Image



As aforementioned previously in this report, pre-application advice has previously been given regarding a new access. The advice given indicated that the loss of the boundary treatment and the construction of a driveway would be harmful to the character and appearance of the Conservation Area and would not be supported by the local authority. This position has not changed and the proposed development cannot be supported. The loss of the boundary treatment and construction of the hardstanding would contribute to the erosion of a positive feature of the Conservation Area, and cause harm to its character and appearance.

For the reasons outlined above, the proposed development is not in accordance with statutory test 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy CS20 (Heritage and the Historic Environment) of the Gravesham Local Plan Core Strategy (2014), saved Policy TC3 (Development Affecting Conservation Areas) of Gravesham's Local Plan First Review (1994) as well as Section 16 of the National Planning Policy Framework (2024).

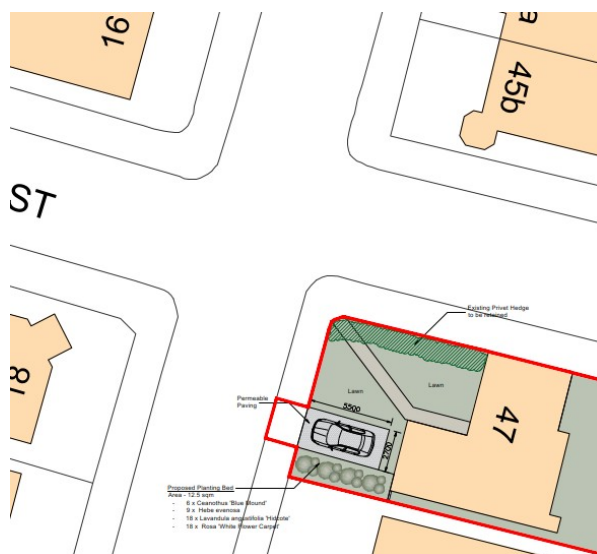
Amenity

The proposal would result in an additional car parking space for future occupiers and would not harm the amenity of neighbouring properties. However, this would have a neutral impact on the assessment of the application and the benefits to future occupiers would not outweigh the aforementioned harm identified in terms of design character and appearance.

Parking and Highways

As aforementioned above, planning permission is required for the development. SPG 4 – KCC Parking Standards (2006) and Gravesham's Householder Extensions/Alterations Design Guide (2021) sets out that front garden parking must be designed to avoid cars overhanging the pavement. Car parking spaces a minimum of 2.50m wide (2.70m where spaces adjoin an enclosed boundary) and 5.00m deep should be provided. The plans indicate there would be sufficient space for two cars.

In addition to the space requirements, pedestrian and vehicle visibility splays should be provided and the crossover should not be within 10.00m of a junction. The plans demonstrate pedestrian visibility splays with planting and boundary treatments within these splays limited to 600mm, which is considered to be positive. Notwithstanding this, the crossover (which as aforementioned above would be a second access) would be located within close proximity to the crossroad junctions (less than 10.00m):



Kent County Councils Residential Dropped Kerb Guidance and Self Assessment refers to these issues:

4/ Separate Entrance and Exit

You may apply for a separate entrance and exit or an additional access point where one already exists, but the general rule is that increasing the number of points on a highway where vehicles turn, increases the potential for traffic conflict. We will assess the site on its own merit and will only be granted if there is no significant impact to on street parking demand.

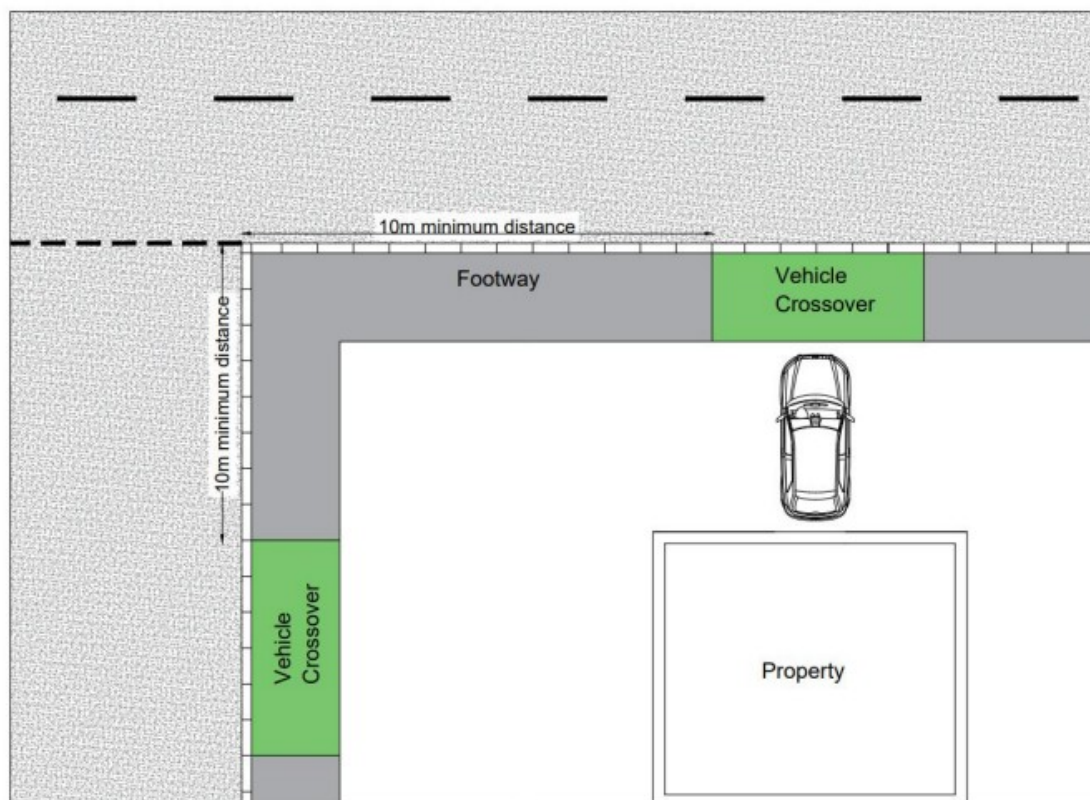
If your property already has a dropped kerb, we will not approve a second dropped kerb unless there is sufficient space within the boundary of your property to drive a vehicle on and off your driveway in forward gear and in one continuous movement. The minimum measurement of your frontage must be 15m width by 4m depth. Your application will be refused if you do not have sufficient space. Each access will have a maximum of 4 flat kerbs and your existing access may need to be altered to achieve this at your own cost. There will need to be a minimum width of full height kerbs between the two accesses of a minimum of 4.5m.



5/ Distance from Road Junction

If the location of the proposed crossing is closer than 10 metres to a road junction and creates a hazard, the application will be refused. This dimension may be increased to 15 metres on major roads or near busy junctions.

Diagram: Distance to Road Junction



The Avenue is not a classified highway, however it is within close proximity to the town centre and school. The conservation area appraisal identifies that *the school generates an intense amount of pedestrian and vehicle traffic in the surrounding roads at particular times in the day*. Whilst Pelham Road is more noticeably affected by traffic, the appraisal states that *there is noticeable activity in the street at the beginning and end of each day during term time, due to the pedestrian entrance to the Grammar School*. Reference to appeal decision (APP/K2230/D/24/3358170 – Crantock House, 22a Old Road East, Gravesend) (Appendix 2), informs us of the Planning Inspectorates decision with regards to highways safety. The Inspectors observations regarding manoeuvring is relevant to this application and supports the concerns with this proposal. In the appeal decision, the Inspector refers to concerns with visibility and manoeuvrability (in the case of this application, vehicles would need to reverse on or off the driveway in close proximity to the crossroad junction). As per the appeal decision, “*Policy CS11 of the Gravesham Local Plan Core Strategy 2014 (CS) requires new development to mitigate their impact on the highway. The Council’s Householder Extensions/Alterations Design Guide Supplementary Planning Document 2021 (SPD) requires adequate visibility splays to be provided for parking areas*” .. and “*the National Planning Policy Framework states planning permission should be refused if there is an unacceptable impact on highway safety. The proposal does not satisfy these requirements and so would be contrary to the development plan and national planning policy*”. In the case of this application, it is considered that the overall highways concerns in relation to the proximity of the crossroad junction would be detrimental to highways safety and it is considered that the application should be refused.

Although it would be a matter for KCC and does not directly impact the assessment of this application, it is also noted that there is a highway tree within 15.00m of the crossover which could potentially mean that in the event that planning permission from Gravesham were to be granted, KCC may not allow the crossover.

Any Other Material Planning Considerations

Archaeology

The site lies within an area of multi-period archaeological potential. However, the proposed development is unlikely to have any archaeological impact.

Groundwater Protection Zone

The site is located within a Groundwater Protection Zone 3 area, however, the proposal would be unlikely to be impacted by this constraint.

Historic Landfill

The site is situated within the Nine Elms historic landfill site buffer zone. If the Local Planning Authority were looking to permit the development, then an appropriate watching brief condition could be added to the decision notice.

Gas Pipes

The site lies within proximity of Gas Pipelines. As such, if planning permission were to be forthcoming, an appropriately worded informative could be added to the decision notice, advising the applicant to contact Southern Gas Networks before carrying out any works.

Conclusion

The application has been fully considered and fails to accord with local and national planning policy.

The proposed development would result in development that would be harmful to the character and appearance of the Conservation Area. As such it is not in accordance with statutory test 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy CS20 (Heritage and the Historic Environment) of the Gravesham Local Plan Core Strategy (2014), saved Policy TC3 (Development Affecting Conservation Areas) of Gravesham's Local Plan First Review (1994) as well as Section 16 of the National Planning Policy Framework (2024).

The proposal would compromise highway safety in terms of its proximity to a crossroad junction. As such the proposal is contrary to Policy CS11 of the Gravesham Local Plan Core Strategy 2014 (LPCS), Gravesham's Householder Extensions/Alterations Design Guide (2021), the Kent County Council Dropped Kerb Guidance and Self-Assessment (2026) and paragraph 116 of the National Planning Policy Framework (2024).

Recommendation

Refusal.

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

Case Officer:	Mrs Lucy Hankin	Team Leader:	Richard Hart
Signed:	L Hankin	Signed:	<i>R Hart</i>
Dated:	12th May 2026	Dated:	12th May 2026