



Delegated Report

Householder Planning Application

Planning Application No: 20260823

Location: 47 The Avenue Gravesend Kent DA11 0LX

Description: Demolition of existing rear projection and erection of a single-storey rear and side extension with a pitched roof, together with associated internal alterations.

Applicant: Mr Dhiman

Site Visit Date: Previous Site Visit Undertaken

Preliminary Matters

During the course of the application, it was noted that the proposed windows in the flank elevation of the main dwelling did not match the positioning reflected on the floor plan. The agent was contacted and a revised plan was provided. In this instance, the fenestration in question is at ground floor level and would serve non habitable rooms (utility room and shower rooms). As such it was considered that reconsultation would not be necessary.

Submitted Documents/Plans

Application Form;
Supplementary Information – Planning and Heritage Statement;
Drawing No. 001 – Location Plan with Block Plans – Existing and Proposed;
Drawing No. 002 – Floor Plans – Existing and Proposed;
Drawing No. 003 – Elevations – Existing;
Drawing No. 004 REV B – Elevations – Proposed.

Superseded Documents/Plans

~~Drawing No. 004 – Elevations – Proposed.~~

Relevant Planning History

Reference	Description	Decision	Decision Date
20260251	Demolition of existing rear projection. Erection of a rear/side extension with roof lantern.	Application Refused	11.05.2026
20260248	Application for a Proposed Lawful Development Certificate; Erection of an outbuilding to provide space for Gym/Workshop/Storage.	Certificate Granted	21.04.2026

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.

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)

- TC3 – Development Affecting Conservation Areas

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
- Section 20 – 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)

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

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

Local Ward Councillors

- No Comments received.

GBC – Conservation Officer

No comments received.

Neighbouring properties

4 surrounding properties were consulted, a site notice was displayed on 01.09.26, the application was advertised in the paper and no comments were received. The overall expiry date for consultation was 25.09.26.

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 demolition of existing rear projection and the erection of a single-storey rear and side extension with a pitched roof, together with associated internal alterations. New and altered fenestration is also proposed in the flank elevation of the main dwelling, facing towards No.49 The Avenue.

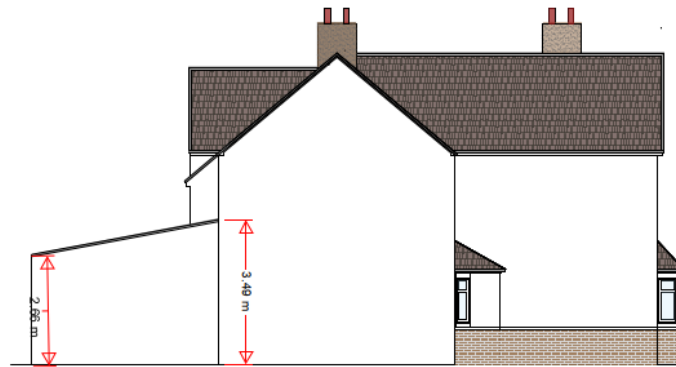
Proposed Development

The works would include the demolition of an existing rear projection. According to the heritage statement, this is described as a later addition of limited architectural significance.

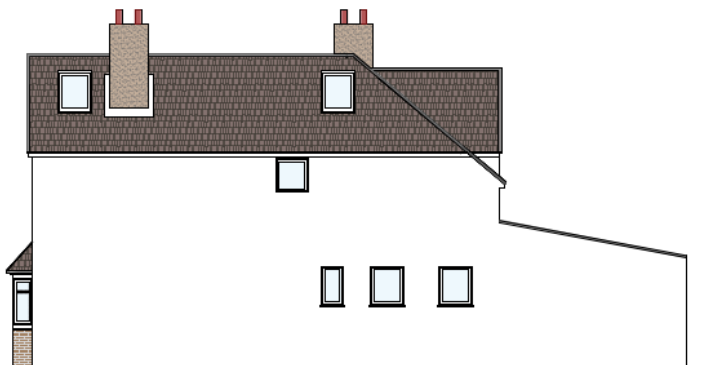
The proposed rear/side extension would be up to 4.50m deep, largely expand the width of the existing rear elevation of the dwelling at 10.23m, and would be constructed with a mono pitched roof at a max height of 3.49m and eaves height of 2.66m.



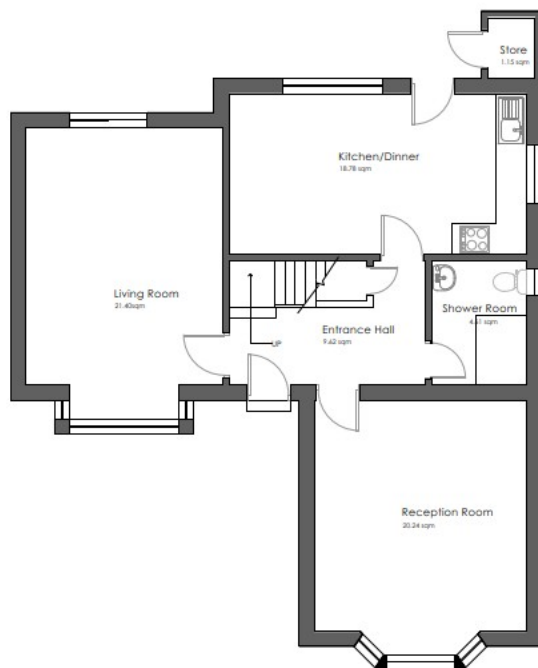
Proposed Rear Elevation



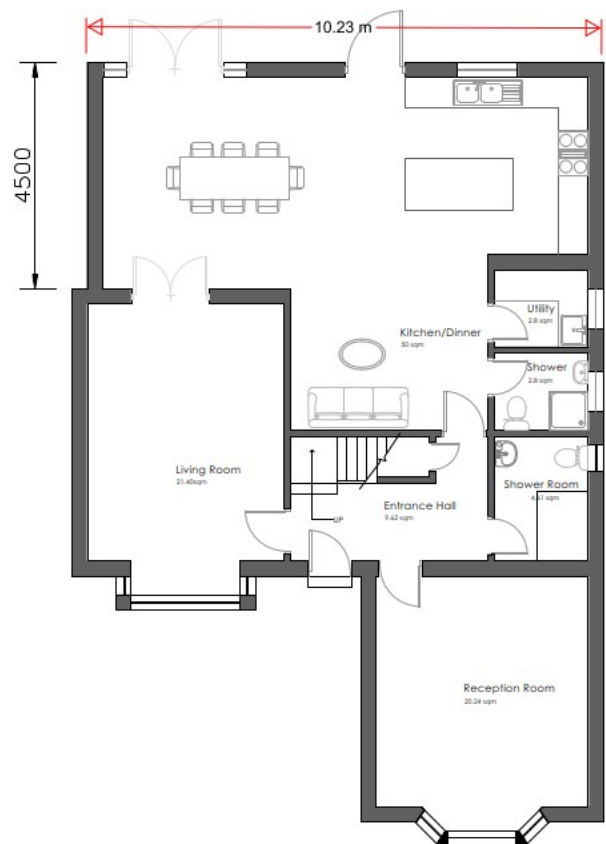
Proposed North Elevation (Side)



Proposed South Elevation (Side)



Existing Ground Floor Plan



Proposed Ground Floor Plan

The extension would create space for internal layout alterations along with an additional shower room, utility room and enlarged kitchen/diner.

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 20 of the National Planning Policy Framework (2026). 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.

As highlighted within the planning history section of this report, the previous application (20260251) for a single storey rear/side extension was refused. The grounds of refusal were as follows:

Due to the scale, roof form and visibility of the proposal, the extension is considered to be poor design that would result in development that would be harmful to the character and appearance of the existing dwelling, street scene and would not preserve or enhance the character and appearance of the Pelham Road/The Avenue Conservation Area, and instead would cause harm. 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).

It therefore stands to be assessed whether this current application has overcome the previous grounds of refusal.

The information provided with the application states that the external walls of the extension would match the existing dwelling. Full external materials could be secured by condition if planning permission were to be forthcoming for the development.

The orientation of the application site and prominent corner location means that the development would be highly visible from the public vantage point. The proposed extension would be constructed with a mono pitched roof, external materials would match the existing dwelling and the depth of the extension has been reduced (since the previous refusal). Although the extension remains fairly large, on balance, the extension is considered to be acceptable in overall scale and design so as not to detrimentally impact the character and appearance of the dwelling, street scene and Conservation Area. The fenestration changes within the main flank elevation at ground floor level are considered to be acceptable and external materials can be secured by condition, if planning permission were to be forthcoming.

As such it is considered that the development is in accordance with statutory test 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policies CS19 and 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 Policy DP3 and Section 20 of the National Planning Policy Framework (2026).

Amenity of Future Occupiers

Policy P3 of the NPPF (2026) requires development proposals to provide healthy living conditions for occupiers and users, including adequate access to natural light and protection from noise, pollution and other adverse impacts that could harm health or quality of life. Also relevant to this proposal is Gravesham's SPG2 Residential Layout Guidelines (2020), which is the Council's adopted Supplementary Planning Guidance document which, amongst other things, sets out expected room and garden areas. In terms of room sizes, the proposal is considered to provide more than sufficient space for future occupiers. In addition, the resultant garden area would accord with the RLG (2020).

The development therefore protects the amenity of future occupiers in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy (LPCS) (2014) and Policy P3 of the National Planning Policy Framework 2026.

Neighbouring Amenity

Policy DP3 of the National Planning Policy Framework (2026) requires development proposals to respond positively to their context and integrate successfully with their surroundings. In addition, Policy P3 seeks to ensure that development provides healthy living conditions for occupiers and users, including adequate access to light and protection from adverse impacts that could affect health or quality of life.

Also relevant to this proposal is Gravesham's SPG2 Residential Layout Guidelines (2020), which is the Council's adopted Supplementary Planning Guidance document, as well as Policy CS19 (LPCS) (2014) which requires new development to be located, designed and constructed to safeguard the amenity, including privacy, daylight and sunlight, of its occupants and those of neighbouring properties and land.

These policies are relevant in assessing the proposal's impact on neighbouring residential amenity.

No neighbour responses were received as a result of the consultation carried out for the application. Neighbouring amenity has been considered in terms of loss of light, loss of outlook, loss of privacy and sense of enclosure.

The development would not be considered to detrimentally impact neighbouring amenity. The extension is single storey with no fenestration in the flank elevations. The proposal does include additional and relocated fenestration in the flank elevation facing towards No.49, however these are at ground floor level and would serve utility room and shower room. Therefore, the proposal is considered to safeguard neighbouring amenity in accordance with Policy CS19 (LPCS) (2014) and Policies DP3 and P3 of the NPPF (2026).

Parking and Highways

There are no concerns in relation to highways and parking that arise as a result of this proposal.

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.

Conclusion

The application has been fully considered and accords with local and national planning policy.

The proposed development is acceptable in terms of design, character and appearance. There is no detrimental impact on the amenity of future occupiers or neighbours and no concerns in terms of parking. As such it is in accordance with statutory test 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policies CS19 and 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 Policies DP3, P3 and Section 20 of the National Planning Policy Framework (2026).

Recommendation

(For detailed conditions and informatives, see draft Decision)

Case Officer:	Mrs Lucy Hankin	Team Leader:	Richard Hart
Signed:	L Hankin	Signed:	<i>R Hart</i>
Dated:	1 st October 2026	Dated:	1st October 2026