



Appeal Decision

Site visit made on 18 August 2025

by C Housden BSc(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th September 2025

Appeal Ref: APP/K2230/W/25/3360868

Flat 1, 19 Edwin Street, Gravesend, Kent DA12 1EH

- 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 A Prowse of A & E Property Ltd against the decision of Gravesend Borough Council.
 - The application ref is 20241057.
 - The development proposed was originally described as “install of lightwell to allow occupation of the basement”.
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Decision

1. The appeal is allowed, and planning permission is granted for replacement of basement door with window and installation of railings to lightwell at Flat 1, 19 Edwin Street, Gravesend DA12 1EH in accordance with the terms of the application, ref 20241057, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing nos 01 Proposal Basement Floor, 02 Proposal Ground Floor, 03 Proposed Elevations, Unnumbered Location Plan at 1:1250 and Unnumbered Block Plan at 1:500.
 - 3) Notwithstanding the details submitted with this application, prior to the installation of the new window at basement level, details of the materials to be used in the window and a drawing at a scale of 1:10 with 1:2 or full size joinery details of the window shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
 - 4) Prior to the installation of the railings, a drawing at a scale of 1:10 of the railings shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Procedural Matters

2. I have taken the description of development from the decision notice of the Council, as I find this is a more concise description of development than the description set out in the application form. Whilst no details have been provided showing the appellant agreed to this description, I note the appellant utilised this description to describe the development within Section E of their appeal form. I am satisfied that

using this description in my formal decision would not procedurally or substantially prejudice either party.

3. The second reason for refusal relates to the living conditions of the future occupiers of the basement of the flat. The evidence before me shows that the building originally was a public house, and planning permission was granted for the conversion of the ground floor into a one bedroom flat¹. The parties agree that the basement of the property was not shown on the proposed floor plan for this application.
4. The Council state in its officer report that “the basement was not part of application ref. 20110399 and no permission has ever been granted for use of the basement for residential purposes”. However, from my site visit it was clear that the basement is an incidental space to the ground floor flat, that was functionally related to the primary use of the ground floor.
5. An incidental use does not continue after the primary use has ceased. Therefore, the use of the basement as part of a public house ended with the implementation of the residential use of the ground floor. Whilst the planning application for the conversion of the ground floor did not specifically refer to the basement, given it is incidental space to this area, the basement benefits from the established residential use.
6. Therefore, the laying out of the basement as shown on the proposed floorplans would not comprise an act of development as defined by section 55 of the Town and Country Planning Act. Therefore, I have no other option than to conclude that the issue of the effect of the proposal on the living conditions of future occupiers cannot form part of this appeal.
7. I must therefore assess the suitability of the appeal in relation to the installation of the railings, light well and window in terms of its potential effect on character and appearance, including on the King Street Conservation Area. This will form the Main Issue in this appeal.

Main Issue

8. The main issue is the effect of the proposal on the character and appearance of the host building and area, including whether the proposed development would preserve or enhance the character or appearance of the King Street Conservation Area (CA).

Reasons

9. The appeal site is situated within the CA and in accordance with the statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have paid special attention to the desirability of preserving or enhancing the character or appearance of the CA.
10. The King Street Conservation Area Character Appraisal (2009) (CA Appraisal) identifies that the special interest of the CA lies in the 18th and 19th century commercial expansion of Gravesend. This has led to the streets being lined with commercial buildings, predominantly comprising ground floor shops with

¹ LPA ref 20110399.

accommodation above. There is a variety of architectural styles and appearance with key historic buildings including churches and the County Court.

11. Specifically, the site is located within the Parrock Street (south) and Saddington Street Character Area which stands apart from the rest of the CA. The CA Appraisal describes the principal features of the character area are the cohesive qualities of the three storey terraced buildings, arranged in a continuous building line situated on the back of the pavement. The use of yellow brick which is sometimes rendered or painted, sash windows divided into smaller panes with an overall vertical emphasis and wrought iron balconies are also described as predominant features of the character area.
12. The appeal site is situated in a corner plot at the junction of Edwin Street and Saddington Street. It is specifically described in the CA appraisal as having “a distinctive rounded corner with a curved timber sash window, but stands rather forlornly on the corner where it marks the southern extent of the area before the streetscape gives way to the network of residential roads”. The site therefore has a positive contribution to the character and appearance of the CA through its architectural features and form, along with its location where it marks the edge of the CA.
13. From my observations on site, it was clear that railings with a dwarf wall were a common feature within the area. However, these were associated with the properties situated along Edwin Street which, other than the appeal site and adjacent building, are outside of the CA. Based on my observations on site and the information contained within the CA Appraisal, dwarf walls with railings bounding the frontages of properties do not form part of the special interest of the CA. Furthermore, whilst dwarf walls with railings were common, there was a variety of styles of railings which bound properties along Edwin Street.
14. The proposed development would introduce a lightwell and railings at the appeal site, replacing the existing external hatch to the basement. The railings whilst not utilising a dwarf wall would be of an unintrusive design that would appear in keeping with the character and appearance of the host property and wider area. The positive contribution the appeal site makes to the CA through its architectural features, form and siting at the edge of the CA would not be harmed by the appeal proposal. The proposed development would therefore preserve the character and appearance of the CA. This would be subject to a condition securing further details of the window to ensure it is in keeping with the distinctive style of windows within the CA.
15. The appeal proposal would therefore comply with Policies CS19 and CS20 of the Gravesham Local Plan Core Strategy (2014) and saved Policy TC3 of the Gravesham Local Plan First Review (1994, policies saved in 2014). These policies, amongst other matters, seek to ensure development is visually attractive that integrates within the surrounding local area and will support proposals which preserve, and where appropriate, enhance the significance of the Borough’s heritage assets.

Conditions

16. I have considered the conditions suggested by the Council against the tests in the National Planning Policy Framework (the Framework) and the advice in Planning

Practice Guidance (PPG). In meeting the tests of the Framework, I have amended the wording of the conditions where necessary.

17. The standard timescale condition for implementation and a plans compliance condition are imposed for the avoidance of doubt and in the interests of certainty.
18. A condition securing materials and joinery details of the new window is considered to be necessary in order to ensure the character or appearance of the CA is preserved. It is also necessary in the interests of certainty given the conflicting information contained within the application documents over the materials that would be used in the window. The proposed elevation plans states that the materials would be a white UPVC window, where as the application form states the window would be a painted timber casement window.
19. A condition securing drawings of the railings at a scale of 1:10 is considered necessary in order to ensure the detail of the railings is appropriately designed in order to ensure the character or appearance of the CA is preserved.

Conclusion

20. For the reasons given above, I conclude that the appeal should be allowed.

C Housden

INSPECTOR