



Appeal Decision

Site visit made on 25 September 2025

by **A Oyebade MSc FCILT**

an Inspector appointed by the Secretary of State

Decision date: 10 April 2026

Appeal Ref: APP/K2230/W/25/3362251

4 Gouge Avenue, Northfleet, Gravesend, Kent DA11 8DP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Messrs. Nathan Bal and Ashveer Bains against the decision of Gravesend Borough Council.
 - The application Ref is 20240684.
 - The development proposed is an outline application for the demolition of existing dwelling and erection of new residential development with layout and access to be determined.
-

Decision

1. The appeal is dismissed.

Procedural matter

2. The application was submitted in outline, with the matters of appearance, landscaping and scale reserved for future consideration. I have therefore determined the appeal on this basis.
3. The appellant submitted a revised block plan after the decision notice was issued. The main changes from the original plan are the reduced and interrupted permeability around Plots 1 and 2, along with associated alterations to the footprint of Plot 1. As these amount to a fundamental modification, I have determined the appeal based on the original block plan.

Main issues

4. The main issues are the effect on:
 - living conditions of residents of neighbouring dwelling;
 - highway safety in the locality; and
 - biodiversity in the area.

Reasons

Effect on living conditions of residents of neighbouring dwelling

5. Gouge Avenue is a late-20th-century suburban street characterised by brick-built homes, including two-storey detached, semi-detached and terraced houses, along with a small number of single-storey bungalows. The area forms an established residential neighbourhood with a cohesive, low-density character and a distinctly family-oriented feel.

6. The appeal proposal comprises two pairs of dwellings. The first pair (Plots 1 and 2), positioned along the street frontage, would be two storeys in height, while the second pair (Plots 3 and 4), located toward the rear of the site, would take the form of single-storey bungalows. Gravesham Supplementary Planning Guidance (SPG) 2 (Adopted February 1996; amended June 2020) requires that, where facing windows serve habitable rooms and a private garden of the neighbouring property falls within the field of view from a development, whether directly or diagonally, the minimum separation distance between dwellings must be 26 metres.
7. The Council acknowledges that the amendments made to the previously refused scheme (Ref: 20240071) have addressed earlier concerns relating to outlook, sense of enclosure and loss of light. This improvement arises from the increased separation distance between the proposed front building and the neighbouring property at No. 2 Gouge Avenue. As a result, the Council considers that the revised proposal would adequately safeguard the amenity of the adjoining residents in these respects.
8. Nonetheless, the Council argues that Plot 3 would harm the privacy of the occupiers of 2 Gouge Avenue because the window-to-window distance between the two dwellings would fall below the minimum 26 metres referenced above. The appellant explains, however, that the single-storey Plot 3 would sit 24 metres from the rear wall of the single-storey rear extension at No. 2, and approximately 31 metres from the upper front elevation of the main house. Therefore, the appeal proposal would not affect the privacy of the main building at No. 2 given that the window-to-window distance between this property and Plot 3 would be more than the required 26metres. While the window-to-window distance between the rear extension of No. 2 and Plot 3 may be less than the required 26metres, given that Plot 3 would be single-storey like No. 2 and a degree of mutual overlooking is characteristic of development in locations of this type, the effect on the privacy of the residents in the rear extension of No.2 would be minimal. Moreover, the appellant has highlighted the presence of a substantial detached outbuilding, around 3 metres in height (Ref. 20210532, approved 04/08/2021), located at the rear of No. 2, which provides additional screening to its amenity area.
9. In my view, these features would effectively mitigate any potential overlooking and would therefore protect the privacy of the occupiers of the neighbouring property at No.2. I note also that the Council's proposed Condition 10 seeks to prevent undue overlooking of the adjoining residential property. Accordingly, the proposal would comply with Policy CS19 of Gravesham's Local Plan Core Strategy (2014) and the requirements of SPG 2.

Effect on highway safety in the locality

10. The Council submits that the dwelling at No. 2 features a brick wall and pillar along the shared boundary with the appeal site, the height of which exceeds twice the 600 mm threshold at which pedestrian visibility would be impeded. It is argued that this results in an unacceptable risk to pedestrian safety. I agree that the existing boundary treatment on this side of the access, if left unaltered, would restrict the ability of drivers leaving the site to observe pedestrians approaching from the direction of No. 2.
11. As indicated above, I am unable to accept the revised block plan submitted with this appeal. I do not have before me any scheme that would secure the necessary

footway visibility of 2m x 2m with no obstructions over a height of 600mm. Without this evidence and the provision of the necessary visibility splay on land within the appellant's control, I consider that the development would unacceptably harm pedestrian highway safety at this location. In reaching this conclusion, I have had regard to the extent of any likely impact in the context of the site in question. The proposal would therefore be contrary to Policy CS11 of the Gravesham Local Plan Core Strategy (2014), saved Policies T1 and T5 of the Gravesham Local Plan First Review (1994), and Kent County Council's Dropped Kerb Guidance (2023).

Effect on biodiversity in the area

12. The Council explains that, subject to certain exceptions, developments are required to deliver a minimum 10% biodiversity net gain relative to the pre-development biodiversity value of the site. It argues, however, that the appellant's calculation is flawed because it uses the post-clearance condition of the land as the baseline. The Council states that, for more than 16 years, the site supported numerous trees and shrubs and had become an unmanaged area that may have contained protected or notable species. In its view, this earlier condition should have formed the baseline for the biodiversity assessment.
13. The appellant acknowledges that the Preliminary Ecological Appraisal (PEA) referred to in the Planning Statement was omitted from the original submission. The PEA including the proposed biodiversity mitigation measures therein, together with a revised BNG Metric, has now been provided as part of the appeal. I note that the updated metric includes the proposed enhancements to the amenity areas, including additional tree planting. Based on the information now before me, I am satisfied that any outstanding matters can be secured through an appropriately worded planning condition. Accordingly, I find no conflict with Policy CS12 of the Gravesham Local Plan Core Strategy (2014).

Other Considerations and Planning Balance

14. 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.
15. 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. National policy also attaches great weight to the use of suitable sites within existing settlements for new homes. In this case, the appeal site comprises previously developed land in an urban location with good access to a range of services and facilities. These factors weigh positively in favour of the development.
16. In the circumstances of this case, I have concluded that there would be harm to pedestrian highway safety in the area, which would be long lasting. The adverse impacts of the development would significantly and demonstrably outweigh the benefits when assessed against the Framework policies taken as a whole. The

proposed development would not therefore benefit from the presumption in favour of sustainable development, found at paragraph 11 of the Framework.

Conclusion

17. Overall, none of the other considerations material to the proposed development indicate that this appeal decision should be taken otherwise than in accordance with the development plan. Consequently, for the reasons given above, the appeal should be dismissed.

A Oyebade
INSPECTOR