

Application: 20211308

**TOWN AND COUNTRY PLANNING ACT 1990: SECTION 192
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2015 (AS AMENDED)**

To: **Mr And Mrs K Elliott
C/O Mr Maciej Walczuk, ProArc Ltd
42 Valley Road
Gillingham
Kent
ME7 2EU**

REFUSAL OF CERTIFICATE OF PROPOSED LAWFUL USE OR DEVELOPMENT

GRAVESHAM BOROUGH COUNCIL has considered your application dated 19th October 2021 under the provisions of Section 192 of the above mentioned Act and has determined the use, operation or matter set out therein being

Application for a Lawful Development Certificate in respect of the proposed erection of a single storey rear extension.

at **37 Upper Avenue
Istead Rise
Gravesend
Kent
DA13 9DA**

WOULD NOT HAVE BEEN LAWFUL within the meaning of the said Act and, thus, application for planning permission in respect thereof must be made and planning permission obtained before any such proposals can be carried out.

The grounds for this determination are as follows:

1. The proposed extension fails to comply with the parameters set out in Schedule 2, Part 1, Class A.1 (d) and (i) of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended. The extension exceeds the height of the eaves of the main dwelling and the eaves of the extension exceed the height of 3m within 2m of the boundary.

Therefore, the application cannot be supported, a lawful development certificate is refused and planning permission is required.

INFORMATIVES:-

1 PLANS AND DOCUMENTS

For the avoidance of doubt the decision to refuse this application was taken in relation to the following plans and documents:

Application Form - dated 18/10/2021;
Drawing no. 2128_PL01 - Location Plan and Existing and Proposed Drawings.

Dated: 13 December 2021

Civic Centre
Windmill Street
Gravesend
Kent
DA12 1AU

Wendy Lane MRTPI
Assistant Director (Planning)
Planning Service

Your attention is drawn to the following notes

NOTES

1. Any person who wishes to appeal –

(a) against a determination of the Council under Section 195 of the Act; or

(b) on the failure of the Council to give notice of their decision within 8 weeks of the date of the application

shall give notice of the appeal to the Secretary of State within **six months of the decision or of the expiry of the appropriate period allowed under Article 33 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 for giving such notice (two months)**, as the case may be, or such longer period as the Secretary of State may at any time allow.

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

2. Such person shall also furnish to the Secretary of State a copy of the following documents:-

(i) the application;;

(ii) all relevant plans, drawings, particulars and documents submitted with the application;

(iii) the notice of the decision or determination, if any;

(iv) all other relevant correspondence with any Local Planning Authority.