

Delegated Report

Lawful Development Certificate (Proposed)

Application no:	20260619
Location	26 St Johns Road Higham Rochester Kent
Proposal:	Application for a Proposed Lawful Development Certificate; a roof extension and single-storey side extension.
Applicant:	Mr & Mrs Spike
Site Visit	N/A Desktop Assessment

Preliminary Matters

During the course of the application, the agent emailed to advise that the applicants no longer wished to proceed with the proposed front porch and associated front window alteration and requested revised plans, omitting the aforementioned development, along with a description change. These plans were accepted.

A further email was received from the agent at a later date containing revised plans due to a technical error. As the assessment of the application had not yet been made, these were accepted by the Local Planning Authority.

During the course of the assessment of the application, it was considered that the proposal failed to comply with the General Permitted Development Order (GPDO) (2015) (as amended). Generally Lawful Development Certificate Applications are assessed as submitted, however, in this instance the agent was contacted in order to give the opportunity to amend the proposal. Unfortunately an agreement could not be reached regarding the interpretation of the Government Technical Guidance, Permitted Development Rights for Householders and the agent requested the application to be assessed as it stands, with a view that a refusal could be taken to appeal.

Plans & Documents

Application Form;
Supplementary Information – Planning Statement;
Supplementary Information – Cover letter;
Drawing No. Ex.01 – OS Plan;
Drawing No. Ex03A – Site Plan Floor Plan and Loft and Section Plan – Existing;
Drawing No. Ex04 – Elevations – Existing;
Drawing No. PR112A – Block Plan – Existing and Proposed;
Drawing No. PR113B – REVISED Site Plan – Proposed; and
Drawing No. PR114B – REVISED Elevations – Proposed.

Superseded Plans and Documents

Site Plan—Proposed (received on 15.06.26);



*Supplementary Information – Planning Statement;
Drawing No. PR112 – Block Plan – Existing and Proposed;
Drawing No. PR113A – Site Plan – Proposed;
Drawing No. PR114 – Elevations – Proposed; and
Drawing No. PR114A – Elevations – Proposed.*

Property Type

26 St Johns Road is a semi-detached bungalow with an existing detached garage to the side of off street parking to the front for two cars.

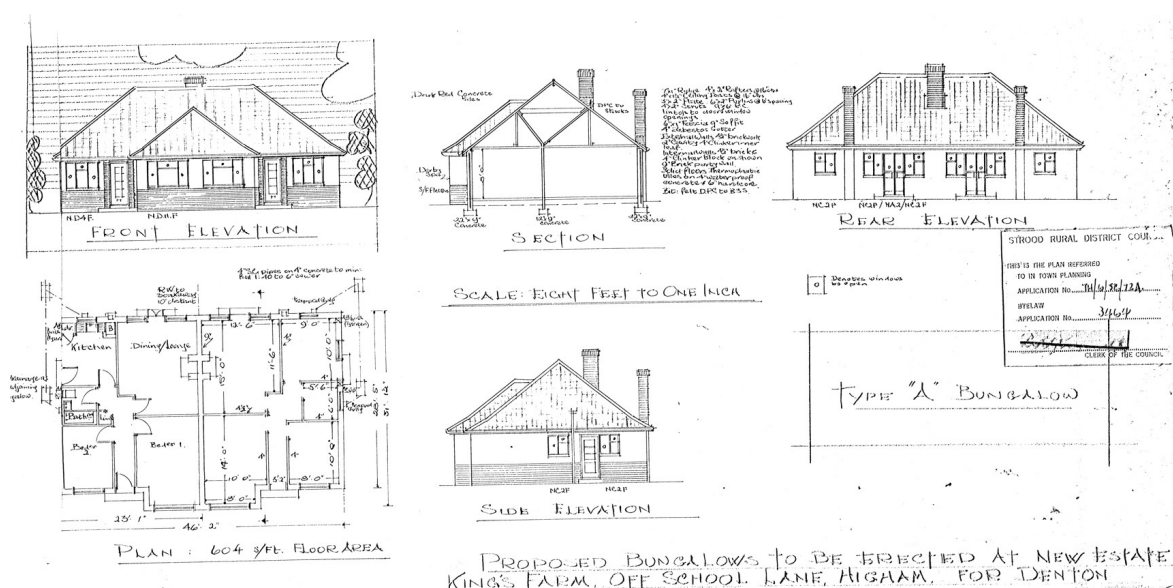
Material Consideration

Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

Relevant Planning History

Reference	Description	Decision	Decision Date
20260334	Demolition of existing garage and shed. Erection of external storage building. Erection of single storey side extension with roof lights, new front porch and extension to raised patio.	Application Refused	03.06.2026
20210347	Erection of a single storey side extension.	Permitted	13.05.2021
19561078	Layout of roads and sewers and erection of 2 houses (Type D), 1 house (Type D (detached)), 4 houses (Type d(i)), 4 bungalows (Type A), 12 bungalows (Type B) and 3 bungalows (Type C)	Approval of details	10.07.1957
19560078	Erection of dwellings and construction of an access	Permitted	22.08.1956

Plans as submitted as part of Application 19561078 (for context)



Officer Assessment

Permitted Developments Rights Restrictions

Article 2 (3) Land (AONB, Conservation Area)	N
Article 4 Direction	N
Permitted Development Rights Removed/Restricted	N

Class A - The enlargement, improvement or other alteration of a dwellinghouse

A.1	Development is not permitted by Class A if –	Y/N
(a)	permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class G, M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use)	N
(b)	as a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse)	N
(c)	the height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse	N
(d)	the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse	N
(e)	the enlarged part of the dwellinghouse would extend beyond a wall which – (i) forms the principal elevation of the original dwellinghouse; or (ii) fronts a highway and forms a side elevation of the original dwellinghouse	N N
(f)	subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and - (i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or (ii) exceed 4 metres in height	N/A
(g)	for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and - (i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or (ii) exceed 4 metres in height;	N/A
(h)	the enlarged part of the dwellinghouse would have more than a single storey and – (i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or (ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse being enlarged which is opposite the rear wall of that dwellinghouse;	N/A
(i)	the enlarged part of the dwellinghouse would be within 2 metres of the boundary of	More than

	the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres	2.00m to boundary
(j)	the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would – (i) exceed 4 metres in height, (ii) have more than a single storey, or (iii) have a width greater than half the width of the original dwelling; or	Y See below N N
(ja)	any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (e) to (j);	N
(k)	it would consist of or include – (i) the construction or provision of a verandah, balcony or raised platform, (ii) the installation, alteration or replacement of a microwave antenna, (iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or (iv) an alteration to any part of the roof of the dwellinghouse	See below N See Class G below See Class B and C below
(l)	the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses)	N
A.2	In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if –	Y/N
(a)	it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;	N/A
(b)	the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or	N/A
(c)	the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse.	N/A
(d)	any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (b) and (c).	N/A
A.3	Development is permitted by Class A subject to the following conditions –	Y/N

(a)	the materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;	Y as per Planning Statement
(b)	any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be – (i) obscure-glazed, and (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and	N/A
(c)	where the enlarged part of the dwellinghouse has more than a single storey, or forms an upper storey on an existing enlargement of the original dwellinghouse, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.	N/A

Class B - The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.

1. Original Roof Volume (m ³)	See below
2. Existing Roof Extensions (m ³)	See below
Remaining Roof Volume (m ³) formula: (1 minus 2) = X 40m³ or 50m³ minus X =remaining volume Officer to show calculations in case notes (indexed on NEC)	No previous roof enlargements undertaken. As such 50m ³ allowance remains.

B.1	Development is not permitted by Class B if –	Y/N
(a)	Permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class G, M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use);	N
(b)	Any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;	N
(c)	Any part of the dwellinghouse would, as a result of the works, extend, beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway;	N
(d)	The cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than – (i) 40 cubic metres in the case of a terrace house, or (ii) 50 cubic metres in any other case;	N/A N > 50m ³
(e)	It would consist of or include – the construction or provision of a verandah, balcony or raised platform or the installation, alteration or replacement of a chimney, flue or soil and vent	N See Class

	pipe; or	G
(f)	The dwellinghouse is on article 2 (3) land	N
(g)	The dwellinghouse is built under part 20 of this Schedule (construction of new dwellinghouses); or	N
(h)	The existing dwellinghouse has been enlarged in reliance on the permission granted by Class AA (enlargement of a dwellinghouse by construction of additional storeys).	N
B.2	Development is permitted by Class B subject to the following conditions –	Y/N
(a)	The materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;	Y as per planning statement
(b)	The enlargement must be constructed so that – (i) other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side – extension (aa) the eaves of the original roof are maintained or reinstated; and (bb) the edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge of the eaves; and (ii) other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwelling house; and	(Y) (N/A) (N)
(c)	Any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse must be – (i) obscure-glazed, and (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.	N/A

Class C - Any other alteration to the roof of a dwellinghouse.

C.1	Development is not permitted by Class C if -	Y/N
(a)	permission to use the dwelling as a dwellinghouse has been granted only by virtue of Class G, M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use);	N
(b)	the alteration would protrude more than 0.15 metres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof;	N No projection is shown for the sun pipe or rooflights
(c)	it would result in the highest part of the alteration being higher than the highest part of the original roof;	N



(d)	it would consist of or include – (i) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or (ii) the installation, alteration or replacement of solar photovoltaics or solar thermal equipment.	See Class G N
(e)	The dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).	N
C.2	Development is permitted by Class C subject to the condition that any window located on a roof slope forming a side elevation of the dwellinghouse must be- (a) obscure-glazed; and (b) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.	N/A (sun pipe)

Class G – chimneys, flues etc on a dwellinghouse

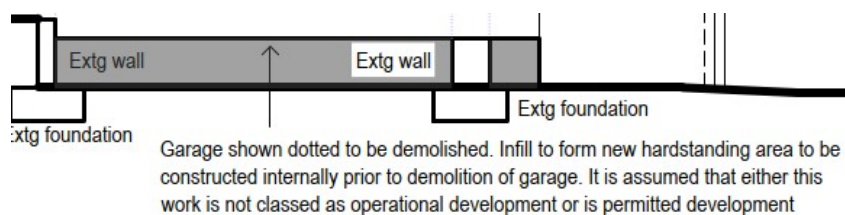
The installation, alteration or replacement of a chimney, flue or soil and vent pipe on a dwellinghouse.

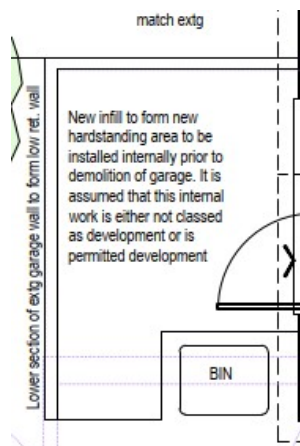
G.1	Development is not permitted by Class G if –	G.1
(a)	Permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class G, M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use)	N
(b)	The height of the chimney, flue or soil and vent pipe would exceed the highest part of the roof by 1 metre or more;	N Chimney removal
(c)	In the case of a dwellinghouse on article 2(3) land, the chimney, flue or soil and vent pipe would be installed on a wall or roof slope which (i) fronts a highway, and (ii) forms either the principal elevation or a side elevation of the dwellinghouse.	N/A
(d)	the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses)	N

Officer Analysis

Class A.1 (k)(i)

The information submitted with the proposal does indicate an infill that could potentially be considered a raised platform (greater than 0.30m):





However, the Planning Statement states the following:

The development does not include any of these features, where “Raised” in relation to a platform means a platform with a height greater than 0.3 metres.

OTHER WORKS RELATING TO THE GARAGE

It is proposed to retain front part of the existing garage and demolish the rear section.

- Part-demolition of the garage is not considered development and is therefore allowable
- The retained garage will require construction of a rear end wall – it is proposed to construct this internally as a partition off the existing slab prior to demolishing the rear section, and it assumed that as internal works are not classed as development, this work is allowable without planning permission.
- To the rear section of the garage, prior to demolition it is proposed to infill the floor area between the existing block walls with hardcore with a slab finish. It is assumed that as internal works are not classed as development, this work is allowable without planning permission.
- If the garage infill works is deemed to be development requiring planning permission, the infill will be no more than 300mm above the existing garage slab level and made of a permeable surface finish to accord with permitted development rights Class E (h) (0.3m limit to raised platforms) and Class F
 - Hard Surfaces Condition (a) and Conditions F.2 (a) and (b)

The application description does not include any of the above works. The applicant would need to ensure any additional works e.g raised platforms would comply with the GPDO.

Class A.1 (j)(i):

the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would –

(iii) exceed 4 metres in height

The proposal fails to comply with the requirements of Class A.1(j)(i) as the extension would extend beyond a wall forming the side elevation of the original dwellinghouse and would exceed 4.00m in height. ‘Height’ and ‘Ground Level’ are defined within the terms of the Government Technical Guidance:

“Height” - references to height (for example, the heights of the eaves on a house extension) is the height measured from ground level. (Note, ground level is the surface of the ground immediately adjacent to the building in question, and would not include any addition laid on top of the ground such as decking. Where ground level is not uniform (for example if the ground is sloping), then the ground level is the highest part of the surface of the ground next to the building.)



Online images from Right Move and also photos provided during the course of a previous application indicate that a raised platform and steps have been constructed over the passage of time:

Right Move Images

(Rear/Side of Property)



(Front of Property)



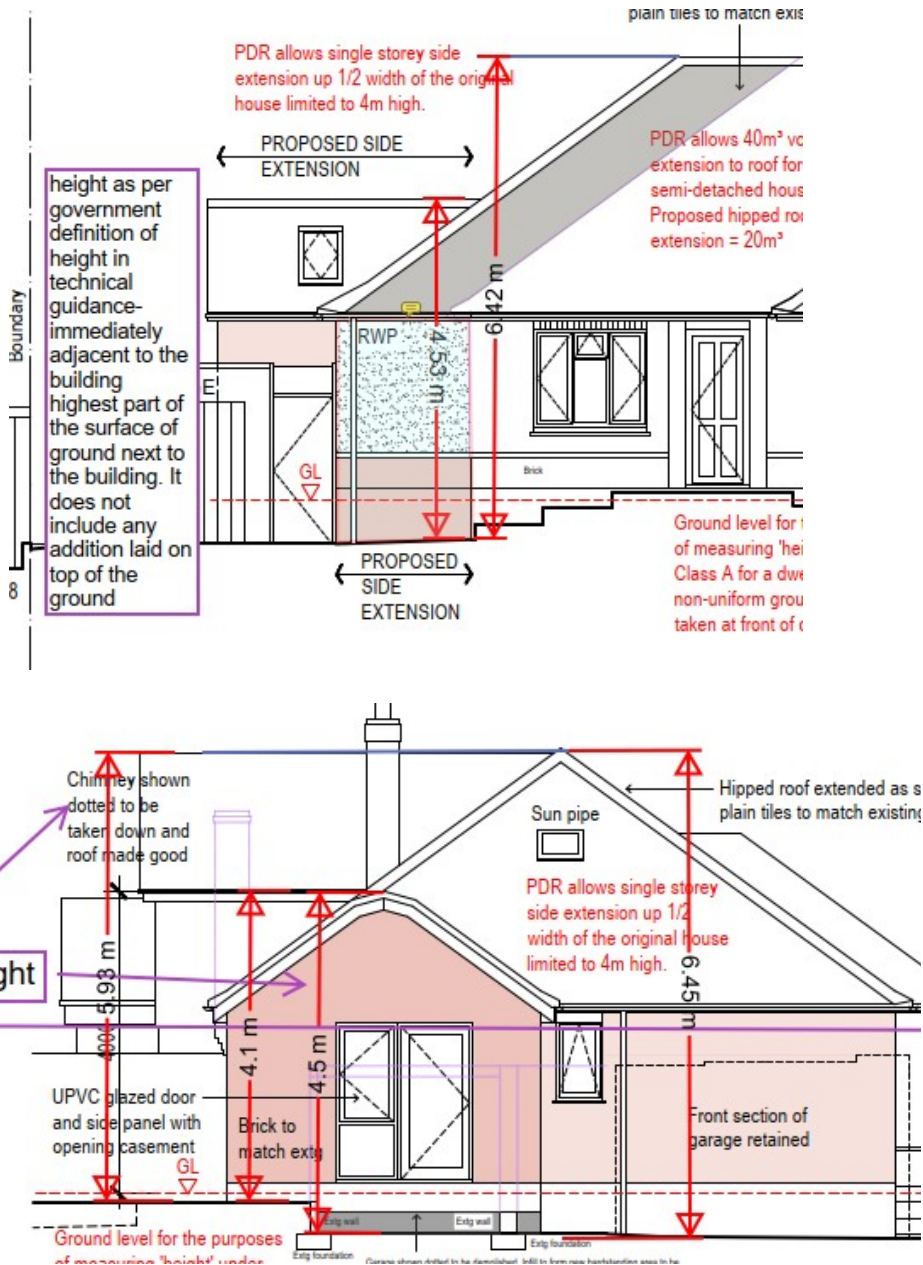


Photos provided as part of previous application, demonstrating raised patio, steps etc.:





The ground level immediately adjacent to the building in question is indicated by the case officer measurements and text in the purple box below:



With consideration to all of the information above, the proposal would exceed the 4.00m height limitation set out in the GPDO. In addition, although the roof section itself is considered to comply with Classes B and C, this is not purely an enlargement to the roof e.g hip to gable extension to a dwelling. In this instance, the roof is proposed in conjunction with the extension and therefore forms part of the extension and must be included in the calculation of height. As per the Government Technical Guidance:

When considering whether a development proposal is permitted development, all of the relevant Parts of the Order and all the Classes within those Parts need to be taken into account. It is therefore essential that any proposed household development is considered in the context of the permitted development rules as a whole in order to determine whether it benefits from permitted development rights and therefore does not require an application for planning permission.

As such, the proposal fails to comply with the GPDO.

In addition, although not strictly comparable to this proposal, a dismissed appeal for 38 The Highway, Sutton (APP/P5870/X/23/3323019) (Appendix 1) does state the following at paragraphs 14 and 15 (my emphasis):

14. As the proposed first floor extension would extend beyond a wall forming a side elevation of the original dwellinghouse, **exceed 4 metres in height** and have more than a single storey then it would not comply with the requirements of Schedule 2, Part 1, Class A (j)(i) and (ii) of the GPDO. The proposed rear extension does not exceed 4m in height and comprises a single storey, but the width would be greater than half the width of the original dwellinghouse. The rear extension would, therefore, fail to comply with Schedule 2, Part 1, Class A (j) (iii) of the GPDO.

15. As such, the proposed extensions would extend beyond a side wall of the original dwellinghouse and fail to comply with the requirements and limitations set out in Schedule 2, Part 1, Class A (j) of the GPDO.

Conclusion

The proposal fails to comply with the requirements of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

The proposal fails to comply with Class A.1(j)(i) as the extension would extend beyond a wall forming the side elevation of the original dwellinghouse and would exceed 4.00m in height.

Recommendation: Refuse Lawful Development Certificate

Case Officer:	Mrs Lucy Hankin	Team Leader:	Richard Hart
Signed:	L Hankin	Signed:	<i>R Hart</i>
Dated:	5th August 2026	Dated:	6th August 2026