

# Delegated Report

## *Lawful Development Certificate (Proposed)*

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|------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Application no:</b> | 20240257                                                                                                                                                     |
| <b>Location</b>        | Ashlea Horns Oak Road Meopham Gravesend                                                                                                                      |
| <b>Proposal:</b>       | Application for a Lawful Development Certificate in respect of the proposed erection of a single storey rear extension and removal of original conservatory. |
| <b>Applicant:</b>      | Mrs Harleen Mattu                                                                                                                                            |
| <b>Site Visit</b>      | N/A Desktop Assessment                                                                                                                                       |

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### Plans & Documents

Application form for a Lawful Development Certificate for a Proposed Use or Development;  
Drawing no. 3445 – 015 Rev. B Existing and proposed layouts and elevations; and  
Email from the agent received 14 May 2024.

### Superseded Plans & Documents

Drawing no. 3445 – 015 Rev. A Existing and proposed layouts and elevations.

### Procedural issues

Following a request from the case officer, the submitted drawing was amended to more accurately illustrate the relationship between the proposed extension and the existing rear dormer. It is noted that the proposed extension would not adjoin the existing dormer, it would be located immediately below it.

In addition, the proposed development was amended to include the removal of an original rear projection as well as the existing conservatory.

### Property Type

The property comprises of a detached bungalow with dormer windows and accommodation at ground and first floor levels.

### Material Consideration

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

### Relevant Planning History

| Reference | Description | Decision | Decision Date |
|-----------|-------------|----------|---------------|
|-----------|-------------|----------|---------------|

|          |                                                                                                                                                                                                                                                                                                                                                                                                                                 |                     |            |
|----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|------------|
| 20231334 | Demolition of existing garden room, carport and enclosed porch; erection of new pitched roof incorporating front and rear gable features to replace existing dormers, pitched roof to replace existing flat roof on western side and rear balcony; erection of single storey rear extension; enlargement of first floor habitable area; alterations to internal layout; and formation of car parking and turning area at front. | Refused             | 01.03.2024 |
| 20230659 | Erection of a single storey rear extension.                                                                                                                                                                                                                                                                                                                                                                                     | Certificate refused | 03.08.2023 |
| 20230365 | Erection of part single storey and part two storey rear extension; erection of new pitched roof incorporating two gables in the rear roof slope and two dormers and a gable in the front roof slope; erection of single storey front extension; demolition of rear outbuilding and formation of two vehicle parking spaces in the front garden.                                                                                 | Refused             | 01.06.2023 |
| 19800181 | Erection of single storey rear extension to form utility room and enlarged kitchen erection of front porch                                                                                                                                                                                                                                                                                                                      | Permitted           | 12.05.1980 |
| 19760385 | Formation of bathroom and bedroom extension in existing roof space and erection of extension at first floor level to form two additional bedrooms.                                                                                                                                                                                                                                                                              | Permitted           | 13.08.1976 |
| 19550165 | Erection of a detached bungalow (TH/6/55/143A)                                                                                                                                                                                                                                                                                                                                                                                  | Permitted           | 08.08.1956 |
| 19550164 | Erection of a detached bungalow (TH/6/55/143A)                                                                                                                                                                                                                                                                                                                                                                                  | Permitted           | 24.08.1955 |

**Officer Assessment***Permitted Developments Rights Restrictions*

|                                                 |   |
|-------------------------------------------------|---|
| Article 2 (3) Land (AONB, Conservation Area)    | Y |
| 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 M, 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 <sup>(1)</sup><br>(3m) |

|      |                                                                                                                                                                                                                                                                                                                                                                                                  |                                                    |
|------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
| (e)  | the enlarged part of the dwellinghouse would extend beyond a wall which –<br><br>(i) forms the principal elevation of the original dwellinghouse; or<br>(ii) fronts a highway and forms a side elevation of the original dwellinghouse                                                                                                                                                           | N                                                  |
| (f)  | subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and –<br>(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<br>(ii) exceed 4 metres in height                                                                       | N<br>(4m depth on detached dwelling and 3m height) |
| (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 –<br><br>(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<br>(ii) exceed 4 metres in height; | N/A<br>(located on article 2(3) land)              |
| (h)  | the enlarged part of the dwellinghouse would have more than a single storey and –<br>(i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or<br>(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 the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres                                                                                                                                                                                                    | N                                                  |
| (j)  | the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would –<br><br>(i) exceed 4 metres in height,<br>(ii) have more than a single storey, or<br>(iii) have a width greater than half the width of the original dwelling; or                                                                                            | N/A                                                |
| (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 –<br><br>(i) the construction or provision of a verandah, balcony or raised platform,<br>(ii) the installation, alteration or replacement of a microwave antenna,<br>(iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or<br>(iv) an alteration to any part of the roof of the dwellinghouse                            | N                                                  |

|            |                                                                                                                                                                                                                                                                                                                 |                      |
|------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|
| (l)        | the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses)                                                                                                                                                                                                                  | N                    |
| <b>A.2</b> | <b>In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if –</b>                                                                                                                                                                                                        | <b>Y</b>             |
| (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                    |
| (b)        | the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or                                                                                                                                                                                    | N                    |
| (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                    |
| (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                    |
| <b>A.3</b> | <b>Development is permitted by Class A subject to the following conditions –</b>                                                                                                                                                                                                                                | <b>Y/N</b>           |
| (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;                                                                                      | Not Specified<br>(2) |
| (b)        | any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be –<br><br>(i) obscure-glazed, and<br>(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                  |

<sup>(1)</sup> The application property has varying eaves heights at the rear. According to government guidance (in Permitted Development Rights for Householders Technical Guidance, September 2019) 'where the existing house has eaves of different heights, then the restriction on the height of the eaves for the part of the house enlarged, improved or altered is measured against the highest level of eaves on the existing house.' The existing single storey rear bathroom projection has the highest eaves and the proposed development would be the same height as the eaves of this existing rear extension.

<sup>(2)</sup> The proposed external facing materials have not been specified. Any grant of this LDC application would include an informative informing the applicant of the requirements of paragraph A.3 (a) of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

## Conclusion

The proposed development complies with the provisions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and as such, planning permission would not be required and a lawful development certificate can be granted.

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| <b>Recommendation:</b> <u>Approve</u> Lawful Development Certificate |
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|----------------------|-----------------|---------------------|---------------------------------|
| <b>Case Officer:</b> | Mrs Kelly Joyce | <b>Team Leader:</b> | <b>Richard Hart</b>             |
| <b>Signed:</b>       | <i>K Joyce</i>  | <b>Signed:</b>      | <i>R Hart</i>                   |
| <b>Dated:</b>        | 15th May 2024   | <b>Dated:</b>       | <b>17<sup>th</sup> May 2024</b> |