

Delegated Report

Lawful Development Certificate (Proposed)

Application no:	20221031
Location	Green Court Dillywood Lane Higham Rochester
Proposal:	Application for a Lawful Development Certificate in respect of the proposed loft conversion two dormer windows in the rear roof slope with a rooflight in the left side roof slope and conversion of the roof space to a habitable room.
Applicant:	Mr And Mrs Fisher
Site Visit	N/A Desktop Assessment

Plans & Documents

Application Form
 PL001 – Site Location Plan
 PL100 – Existing Block Plan
 PL101 – Proposed Block Plan
 PL003 – Existing Drawing – Ground Floor
 PL004 – Existing Drawing – First Floor and 3D View
 PL005 – Existing Drawing – Front and Rear Elevations
 PL006 – Existing Drawing – Right and Left Elevations
 PL013 – Proposed Drawing – Ground Floor
 PL014 – Proposed Drawing – First and Section Floors
 PL016 – Proposed Drawing – Front and Rear Elevations
 PL017 – Proposed Drawing – Right and Left Elevations
 Email received 8th December 2022 confirming details of materials and rooflight

Property Type

Green Court is a two-storey, detached dwellinghouse. It forms part of an area of established residential development set in a wider area of rural character, in the Greenbelt. The dwellinghouse itself is brick built with rendered sections, concrete roof tiles and UPVC openings.

Material Consideration

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

Relevant Planning History

Reference	Description	Decision	Decision Date
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20221029	Erection of a two storey side extension.	Permitted	31.10.2022
20160605	Demolition of existing sun room and erection of a single storey rear and side extension.	Permitted	09.08.2016
19810962	Conversion of existing garage to lounge and erection of detached double garage at the side	Permitted	04.02.1982
19590163 (TH/6/59/163)	Site for erection of farmhouse	Permitted	14.08.1959

Officer Assessment

Permitted Developments Rights Restrictions

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

Permitted Development Rights

Permitted Development rights were removed by condition 2 of 19810962. It states:

'The replacement garage hereby permitted in substitution of the original garage at the premises shall be used only for the parking of a private motor car or cats or for uses ordinarily incidental to the enjoyment of Green Court, Dillywood Lane, Higham, as a private dwelling house and no development, whether permitted by the Town and Country Planning General Development Order 1977 to 1981 or not, shall be carried out on the site in such a manner or in such a position as to preclude vehicular access into the garage.'

Excepting this condition, all other permitted development rights appear to be intact. The garage space would not be altered as part of this proposal and so this exception is not relevant for the purposes of this assessment.

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

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 M, 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

(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 pipe; or	N
(f)	The dwellinghouse is on article 2 (3) land	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 (Confirmed by email)
(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
(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.	Y (Confirmed by email)

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 M, 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
(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	N

	(ii) the installation, alteration or replacement of solar photovoltaics or solar thermal equipment.	
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.	Y (Confirmed by email)

Recommendation: Grant Lawful Development Certificate

Case Officer:	Ms Lisa Williams	Team Leader:	Richard Hart
Signed:		Signed:	
Dated:	8th December 2022	Dated:	8 th December 2022