

Delegated Report

Lawful Development Certificate (Proposed)

Application no:	20230280
Location	Chestnut Lodge, Whitepost Lane, Culverstone, Gravesend, Kent, DA13 0TW
Proposal:	Application for a Lawful Development Certificate in respect of the proposed single storey rear extension
Applicant:	Mr & Mrs Stephens
Site Visit	N/A Desktop Assessment

Plans & Documents

- Application Form - dated 21/03/2023;
- Site Location Plan (scale - 1:1250);
- Drawing no. TRD-04-04 - Existing Plans and Elevations;
- Drawing no. TRD-04-05 - Proposed Ground Floor Plan;
- Drawing no. TRD-04-06 - Proposed Elevations;
- Drawing no. TRD-04-07 - Proposed Block Plan (scale - 1:200).

Property Type

Chestnut Lodge is a detached chalet style bungalow.

Material Consideration

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

Relevant Planning History

Reference	Description	Decision	Decision Date
20211079	Erection of garage on the front drive with associated ground works.	PERMITTED	11.11.2021
20181129	Retention of a front and side boundary wall and the landscaping details to the front of the property.	REFUSED	14.02.2019
20180540	Retention of a front and side boundary wall and the landscaping details to the front of the property.	REFUSED	04.09.2018

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 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	Y
(e)	the enlarged part of the dwellinghouse would extend beyond a wall which –	
	(i) forms the principal elevation of the original dwellinghouse; or	N
	(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 -	
	(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	N (4m)
	(ii) exceed 4 metres in height	N (3.325m)
(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	N
	(ii) exceed 4 metres in height;	N
(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	N/A

	(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;	
(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	Y
(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	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 – (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	N N N N
(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

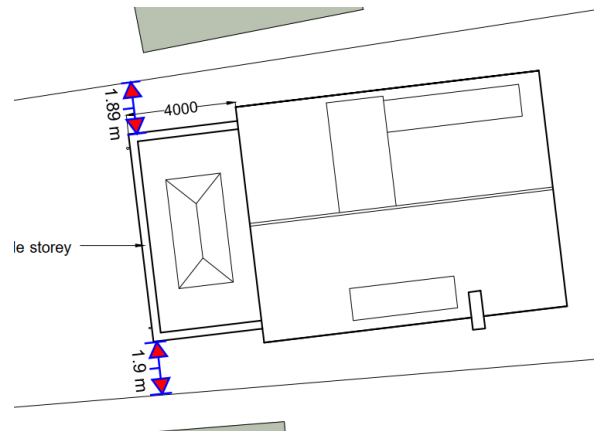
(b)	any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be – (i) obscure-glazed, and (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and	N/A
(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

Analysis

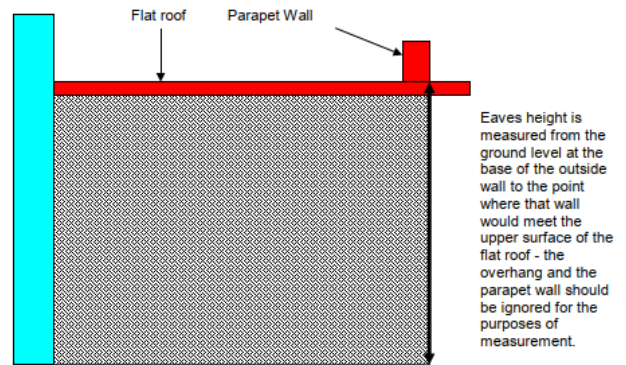
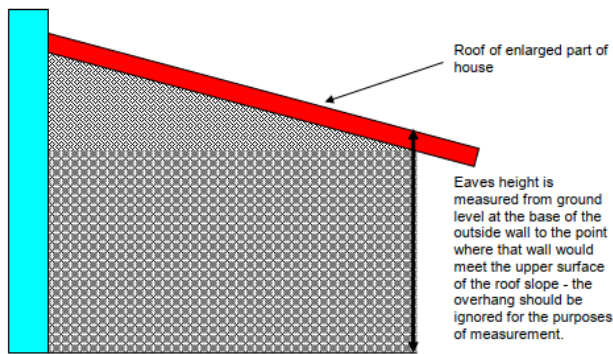
The proposed rear extension is contrary to A.1 (d) and (i) of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended. The flat roof extension has eaves at a height of 3.325m, which exceed the height of the eaves of the original dwelling and therefore fails A.1 (d) of the GPDO:



In addition, the proposed extension is within 2m of the boundary and its eaves exceed 3m in height contrary to A.1 (i) of the GPDO:



For clarity around how eave height is measured, please see the extract below from the Householder Technical Guidance (2015):



Conclusion

The proposed development does not comply with Schedule 2, Part 1, Classes A.1 (d) and A.1 (i) of **THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015, AS AMENDED**, and planning permission is required.

Recommendation: Grant Lawful Development Certificate		
	Name/Signature	Date
Planning Officer	<i>Ethan Bonthron</i>	16/05/2023
Team Leader	<i>[Signature]</i>	17 May 2023