

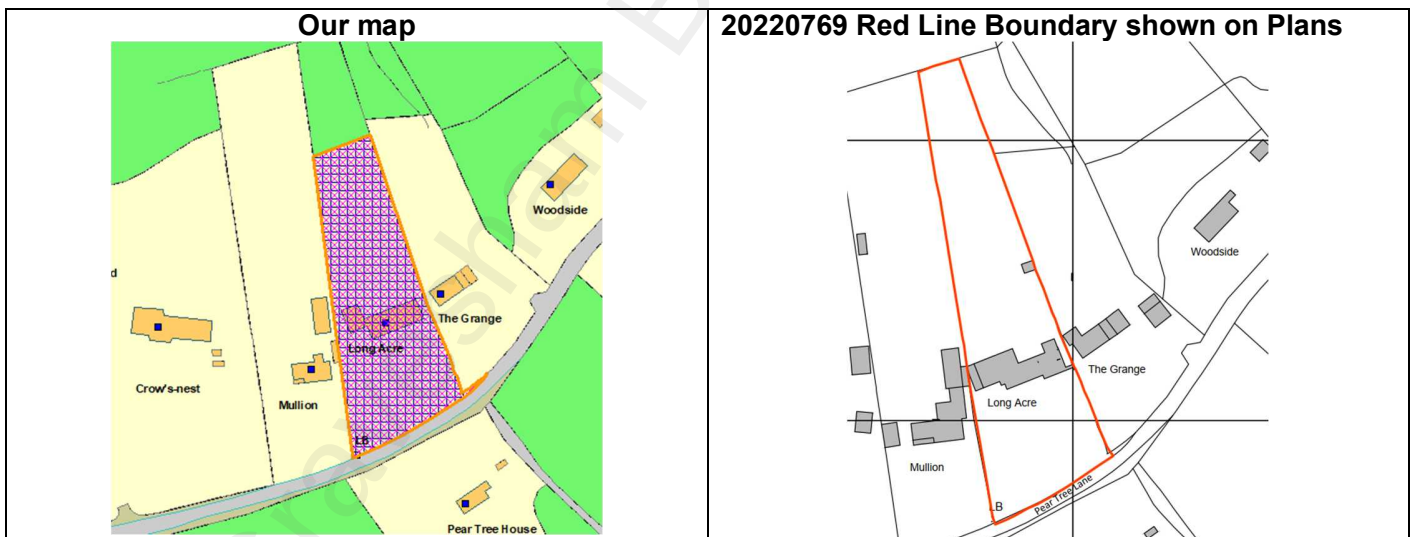
Delegated Report

Lawful Development Certificate (Proposed)

Application no:	20220769
Location	Long Acre Pear Tree Lane Shorne Gravesend
Proposal:	Application for a Lawful Development Certificate in respect of the proposed erection of a detached outbuilding over the existing swimming pool in the rear garden, this will include a gym, changing room and plant room.
Applicant:	Mr And Mrs King
Site Visit	Desktop Assessment

Preliminary Matters

The agent was emailed 02.08.22 to query the red line boundary on the Site Location Plans and Block Plans as this differs to what is shown by our maps.



A response was received 03.08.22 confirming the site location plan is based on the Land Registry Title and a Topographic Survey that has been undertaken.

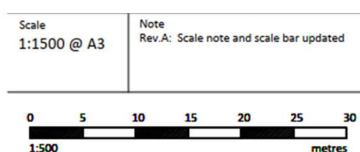
Plans & Documents

Application Form;
Drawing No. 01 - Site Location Plan;
Drawing No.18 REV A - Block Plan – Proposed;

Drawing No. 02 REV A - Block Plan – Existing;
 Drawing No.19 - Ground Floor Plan – Proposed;
 Drawing No. 20 - Elevations – Proposed;
 Supplementary Information – Email from agent regarding the red line boundary; and
 Supplementary Information – Supporting Letter.

Plan Note

The block plans have two stated scales on the plans, however the scale bar measures at 1:500 and the application will be assessed as such.



Property Type

Long Acre is a two storey detached property.

Policies & Representations

Not applicable, this is an application for a lawful development certificate under Section 192 of the Town & Country Planning Act 1990 (as amended). Therefore, the representations received for this application are not relevant.

Material Consideration

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

Relevant Planning History

Reference	Description	Decision	Decision Date
TH/6/59/319 (19590319)	Site for erection of house and garage	Permitted	30.11.1959
TH/6/59/82 (19590082)	Erection of bungalow and garage	Permitted	08.05.1959
TH/6/57/55 (19570055)	Development of land for the erection of not more than two dwellings	Permitted	02.05.1957

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 E - The provision within the curtilage of the dwellinghouse of –

(a) any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure; or

(b) a container used for domestic heating purposes for the storage of oil or liquid petroleum gas.

E.1	Development is not permitted by Class E 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)	The total area of ground covered by building, enclosures and containers within the curtilage (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)	Any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse;	N
(d)	The building would have more than a single storey;	N
(e)	The height of the building, enclosure or container would exceed – (i) 4 metres in the case of a building with a dual-pitched roof (ii) 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of dwellinghouse, or (iii) 3 metres in any other case;	N N/A boundary is 2.65m away N/A
(f)	The height of the eaves of the building would exceed 2.5 metres;	N Eaves are 2.50m
(g)	The building, enclosure, pool or container would be situated within the curtilage of a listed building;	N
(h)	It would include the construction or provision of a verandah, balcony or raised platform;	N
(i)	It relates to a dwelling or a microwave antenna; or	N
(j)	The capacity of the container would exceed 3,500 litres	N/A
(k)	the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses)	N
E.2	In the case of any land within the curtilage of a dwellinghouse which is within – (a) An area of outstanding natural beauty; Development is not permitted by Class E if the total area of ground covered by buildings, enclosures, pools and containers situated more than 20 metres from any wall of the	N/A

	dwellinghouse would exceed 10 square metres.	
E.3	In the case of any land within the curtilage of the dwellinghouse which is article 2(3) land, development is not permitted by Class E if any part of the building, enclosure, pool or container would be situated on land between a wall forming a side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse.	N/A

Incidental to the main dwellinghouse

The erection of a detached outbuilding over the existing swimming pool in the rear garden including gym, changing room and plant room is considered incidental to the main dwellinghouse. The floor plans also show a WC/shower within the changing room. The WC/shower can be considered an example of primary living accommodation which would not be an incidental use under Class E and would require planning permission. However, a degree of reasonableness can be applied, and it is considered the WC/shower would be reasonably required to be used incidentally and only in accordance with the gym and swimming pool.

Conclusion

The proposed development complies with Schedule 2, Part 1, Class E of **THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015, AS AMENDED**, and the **LAWFUL DEVELOPMENT CERTIFICATE is GRANTED.**

Recommendation: Grant Lawful Development Certificate

Case Officer:	Mrs Lucy Hankin	Team Leader:	Richard Hart
Signed:	L Hankin	Signed:	<i>R Hart</i>
Dated:	2nd September 2022	Dated:	5th September 2022