

Delegated Report

Lawful Development Certificate (Proposed)

Application no:	20220809
Location	Kenilworth 18 Gwynn Road Northfleet Gravesend
Proposal:	Application for a Lawful Development Certificate in respect of proposed dropped kerb.
Applicant:	Mr Raphael Onyango
Site Visit	Desktop Assessment

Preliminary Matters

The development is described as a “proposed dropped kerb”. In this instance it is considered the description of the proposal relates to the vehicular access, rather than the dropped kerb itself as these are dealt with by application to the Highway Authority and not Gravesham Borough Council. As such, this assessment be made to establish whether the **proposed vehicular access** is lawful.

Plans & Documents

Application Form;
Front Garden Plan – Proposed (received on 06.12.22);
Block Plan (received on 06.12.22);
OS Plan (received on 16.09.22);
Supplementary Information – Photos of the front drive; and
Supplementary Information – Email from applicant confirming the hard surface is made of porous materials (received on 09.12.22).

Plan Note

It is noted that the plan title for ‘Front Garden Plan - Proposed’ is incorrect. However, this does not affect the assessment of this application.

Property Type

Kenilworth, 18 Gwynn Road is a two storey semi-detached property.

Material Consideration

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

Relevant Planning History

No relevant history.

Officer Assessment

To establish whether the proposed vehicular access is lawful, the proposal will be assessed under; *Class B of Part 2 to Schedule 2* of the GPDO (2015) (as amended) and *Class F of part 1 to Schedule 2* of the GPDO (2015) (as amended) below:

Class B of Part 2 to Schedule 2 of the GPDO states that development is permitted providing:

B. The formation, laying out and construction of a means of access to a highway which is not a trunk road or a classified road, where that access is required in connection with development permitted by any Class in this Schedule (other than by Class A of this Part).

Gwynn Road is not a classified road or a trunk road and therefore complies with this part of the order.

Permitted Developments Rights Restrictions

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

Class F - The provision within the curtilage of the dwellinghouse of hard surfaces incidental to the enjoyment of a dwellinghouse

Development consisting of -

- (a) the provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse as such; or**
- (b) the replacement in whole or in part of such a surface.**

F.1	Development is not permitted by Class F 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 dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses)	N
F.2	Development is permitted by Class F subject to the condition that where	Y/N
(a)	The hard surface would be situated on land between a wall forming the principal elevation of the dwellinghouse and a highway, and	(Y)
(b)	The area of ground covered by the hard surface, or the area of hard surface replaced, would exceed 5 square metres,	(Y 25.21sqm)
	Either the hard surface is made of porous materials, or provision is made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse.	As per email 09.12.22 the hard surface is

		made of porous materials
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Conclusion

The proposed development complies with Schedule 2, Part 1, Class F and Class B of Part 2 to Schedule 2 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:	9th December 2022	Dated:	9th December 2022