

Delegated Report

Lawful Development Certificate (Proposed)

Application no:	20230072
Location	7 The Turnstones Gravesend Kent DA12 5QD
Proposal:	Application for a Lawful Development Certificate in respect of the proposed erection of a single storey rear and side extension, erection of entrance canopy
Applicant:	Mr Sukhdeep Randhawa
Site Visit	N/A Desktop Assessment

Plans & Documents

Application form
 Drawing no. TT/303 (proposed site plan)
 Drawing no. TT/302 (proposed ground floor plan, elevations and roof plan)
 Drawing no. TT/301 (existing ground floor plan, elevations and roof plan)
 Drawing no. TT/002 (existing site plan)
 Drawing no. TT/001 (site location plan)

Property Type

The property comprises a detached bungalow.

Material Consideration

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

Relevant Planning History

20210788	Demolition of existing 4 bed bungalow and double garage. Erection of 1no detached 5 bed two storey house and 1no detached 4 bed two storey house.	Refused, appeal dismissed	30.07.2021
20110225	Erection of a detached 3 bedroom dwelling with front hardstanding for vehicle parking.	Refused, appeal dismissed	11.05.2011
19840393	Erection of 100 dwellings with car parking and garages associated earthworks and laying out of	Permitted	22.11.1984

access road onto Hillside Avenue
and Old Road East

19760571

Erection of 68 Dwellings

Refused

20.10.1976

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 (see figure 1)
(e)	the enlarged part of the dwellinghouse would extend beyond a wall which – (i) forms the principal elevation of the original dwellinghouse; or (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 (ii) exceed 4 metres in height	N
(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 (ii) exceed 4 metres in height;	N/A
(h)	the enlarged part of the dwellinghouse would have more than a single storey and –	N/A

	(i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or (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	N
(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	Y, the width of the property is approx. 14.23m and the proposed extension is approx. 7.35m. Not only this but the side extension joins the rear extension giving a total width of approx. 21.65m (see figures 2 and 3)
(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);	Y (see above)
(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
(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 –	N/A
(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;	

(b)	the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or	
(c)	the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse.	
(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).	
A.3	Development is permitted by Class A subject to the following conditions –	N/A
(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;	
(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	
(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.	

Class D - The erection or construction of a porch outside any external door of a dwellinghouse.

D.1	Development is not permitted by Class D 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 ground area (measured externally) of the structure would exceed 3 square metres	Y, 4.86sqm
(c)	Any part of the structure would be more than 3 metres above ground level; or	Y, approx. 303m high
(d)	Any part of the structure would be within 2 metres of any boundary of the curtilage of the dwellinghouse with a highway; or	N
(e)	the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses)	N
D.1	Development is not permitted by Class D if -	
(a)	permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use)	N

(b)	The ground area (measured externally) of the structure would exceed 3 square metres	Y
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Figure 1;

- the height of the eaves of the part of the dwellinghouse enlarged, improved or altered exceeds the height of the eaves of the existing dwellinghouse;

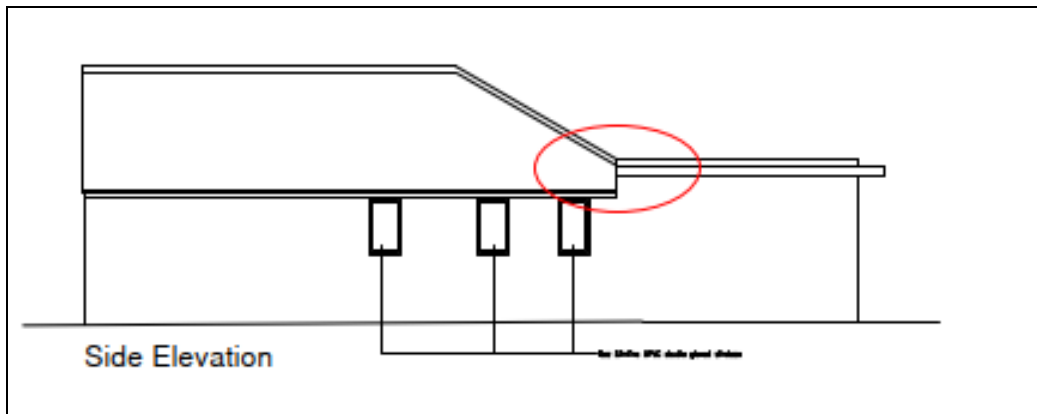


Figure 2;

- the extensions highlighted below cannot be linked together as per class A1 (j) and (ja);

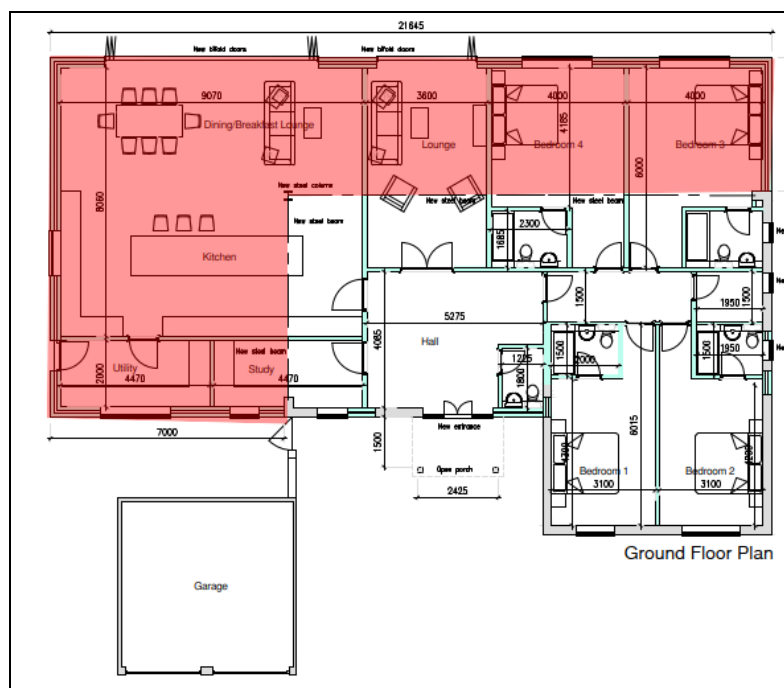
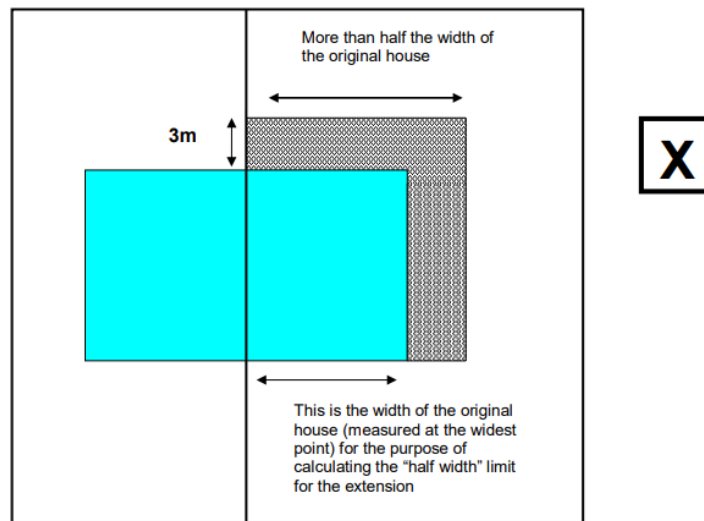


Figure 3;

- extract from Permitted Development Technical Guidance providing clarification as to why the proposal fails



Conclusion

The proposed plans show the height of the eaves to exceed the height of the eaves of the existing dwellinghouse and therefore fails to meet part (d) of Class A.1. They also show the enlarged part of the dwellinghouse extending beyond a wall forming a side elevation of the original dwellinghouse and having a width greater than half the width of the original dwelling which fails to meet part (j) of Class A.1 and subsequently part (ja). The proposed porch exceeds 3sqm in ground area and exceeds 3m in height and therefore fails to meet part (b) and (c) of Class D. The proposed extensions therefore fail to meet Class A and Class D of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and require planning permission.

Recommendation: Refuse Lawful Development Certificate

Case Officer:	Mrs Alison Webster	Team Leader:	Miss Faye Hobbs
Signed:		Signed:	
Dated:	13th March 2023	Dated:	14 March 2023