



RECLPZ

Application: 20220889

**TOWN AND COUNTRY PLANNING ACT 1990: SECTION 192
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2015 (AS AMENDED)**

To: **Mr Stuart Wingfield
C/O Julian Mann
9 Preston Lane
Faversham
Kent
ME13 8LF**

REFUSAL OF CERTIFICATE OF PROPOSED LAWFUL USE OR DEVELOPMENT

GRAVESHAM BOROUGH COUNCIL has considered your application dated 16th August 2022 under the provisions of Section 192 of the above mentioned Act and has determined the use, operation or matter set out therein being

Application for a Lawful Development Certificate in respect of the proposed installation of a rear dormer extension, installation of rooflights in the front roofslope and conversion of the roofspace to form habitable rooms.

at **86 Whinfell Way
Gravesend
Kent
DA12 4SE**

WOULD NOT HAVE BEEN LAWFUL within the meaning of the said Act and, thus, application for planning permission in respect thereof must be made and planning permission obtained before any such proposals can be carried out.

The grounds for this determination are as follows:

- 1 Under Class B.1 (b) the proposed dormer would exceed the height of the existing roof, as evidenced by the plans. Class B.2 (a) requires the proposed external materials for additions or alterations to the roof to be similar to those used in construction of the existing dwellinghouse. It is considered that the proposed pewter weatherboarding would be dissimilar to the existing tiled roof.

Therefore, the proposed development fails to comply with **THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015, AS AMENDED**, and the **LAWFUL DEVELOPMENT CERTIFICATE** is **REFUSED**.

INFORMATIVES:-

1 DECISION PLANS

For the avoidance of doubt, the forms, plans and documents upon which this decision is made comprise:

Application Form;
Supplementary Information - Evidence to verify application;
Drawing No. 2022-116-03 REV A - Elevations and Floor Plans as Existing;

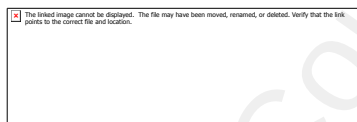
Drawing No. 2022-116-04 REV A - Elevations and Floor Plans as Proposed;
Drawing No. 2022-116-01 - Site Location Plan; and
Drawing No. 2022-116-02 - Block Plan as Existing and Proposed.

2 CURTILAGE OF THE DWELLING

The issue of 'curtilage' has been tested in a number of court cases which have established the basic premise is that curtilage definition is essentially a matter of fact and degree. For the avoidance of doubt the submitted plans for this lawful development certificate are not considered to define the curtilage.

Dated: 3 October 2022

Civic Centre
Windmill Street
Gravesend
Kent
DA12 1AU



Your attention is drawn to the following notes

NOTES

1. Any person who wishes to appeal –

(a) against a determination of the Council under Section 195 of the Act; or

(b) on the failure of the Council to give notice of their decision within 8 weeks of the date of the application

shall give notice of the appeal to the Secretary of State within **six months of the decision or of the expiry of the appropriate period allowed under Article 33 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 for giving such notice (two months)**, as the case may be, or such longer period as the Secretary of State may at any time allow.

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

2. Such person shall also furnish to the Secretary of State a copy of the following documents:-

(i) the application;;

(ii) all relevant plans, drawings, particulars and documents submitted with the application;

(iii) the notice of the decision or determination, if any;

(iv) all other relevant correspondence with any Local Planning Authority.