

Delegated Report

Lawful Development Certificate (Proposed)

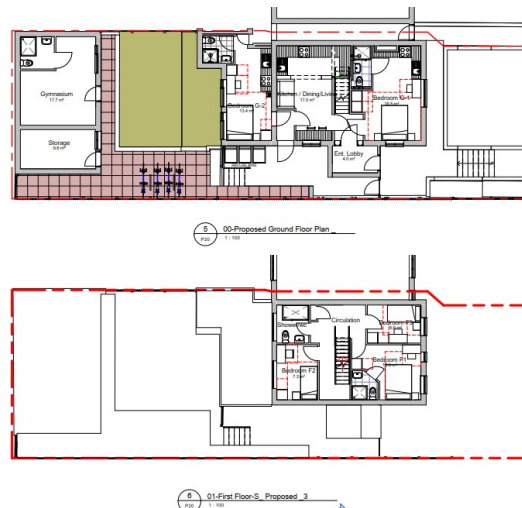
Application no:	20260139
Location	62 Taunton Vale Gravesend Kent DA12 5RB
Proposal:	Application for a Proposed Lawful Development Certificate for the change of use from a C3 dwelling to a C4 6 person HMO. Proposed construction of a dormer within the side roof slope to facilitate habitable rooms, and conversion of existing garage to a gym with alterations to internal walls and roof from pitched to flat.
Applicant:	Four F Property Ltd
Site Visit	25.02.26

Plans & Documents

Application Form;
Supplementary Information – Design and Access Statement;
Drawing No. P01 Rev.A – Site Location Plan;
Drawing No. P19 Rev.A – Elevations – Existing;
Drawing No. P20 Rev.A – Floor Plans and Loft Plan – Existing and Proposed; and
Drawing No. P21 Rev.A – Elevations – Proposed.

Plan Notes

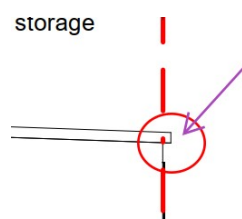
The red line boundary includes a ground floor access way which appears to be shared with No.60, with the levels above forming part of No.60:



The application form submitted with this application states that the applicant's interest in the land is as the 'owner.' If the proposed Lawful Development Certificate were to be granted then an informative could be added to the decision notice, highlighting the above.

Encroachment

The plans show the outbuilding would extend beyond the site boundary:



Property Type

62 Taunton Vale is a two-storey end terrace property fronting the western side of the highway.

Material Consideration

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

Relevant Planning History

No relevant history.

Consultations, Publicity and Representations

This is an application for a Lawful Development Certificate that is considered on its facts and relevant planning law. As confirmed in national planning guidance, views expressed by third parties on the planning merits of such cases are irrelevant. Accordingly, unlike planning applications, there is no statutory requirement to undertake publicity or consultation. Comments have been received from members of the public, both objecting and in support of the proposal. In addition, Kent police have commented on the application. Notwithstanding that representations are irrelevant to the assessment of this application, comments from Kent Police Designing Out Crime are included below:

Kent Police

We have reviewed this application in regard to Crime Prevention Through Environmental Design (CPTED) and in accordance with the National Planning Policy Framework (NPPF).

Applicants/agents should consult us as Designing out Crime Officers (DOCO's) to address CPTED and incorporate Secured By Design (SBD) as appropriate. We use details of the site, relevant crime levels/type and intelligence information to help design out the opportunity for Crime, Fear of Crime, Anti-Social Behaviour (ASB), Nuisance and Conflict.

There is a carbon cost for crime and new developments give an opportunity to address it. Using CPTED along with attaining an SBD award using SBD guidance, policies and academic research would be evidence of the applicants' efforts to design out the opportunity for crime.

We recommend SBD guidance is utilised to address designing out crime to show a clear audit trail for Designing Out Crime, Crime Prevention and Community Safety and to meet our Local Authority statutory duties under Section 17 of the Crime and Disorder Act 1998. The points below identify my recommendations for the layout and design of this scheme.

1. Perimeter, boundary and divisional treatments must be a minimum of 1.8m high. Any alleyways must have secure side gates, which are lockable from both sides, located flush to the front building line.
2. We advise against the use of parking courts as they can create an opportunity for crime. Where unavoidable, the areas must be covered by natural surveillance from an "active" window e.g. lounge or kitchen and sufficient lighting – the same recommendations apply to on plot parking bays. In addition, we request appropriate signage for visitor bays to avoid conflict and misuse.
3. Any pre-existing and new trees should help protect and enhance security without reducing the opportunity for surveillance or the effectiveness of lighting. Tall slender trees with a crown of above 2m rather than low crowned species are more suitable than "round shaped" trees with a low crown. New trees should not be planted within parking areas or too close to street lighting. Any hedges should be no higher than 1m, so that they do not obscure vulnerable areas.
4. Lighting. Please note, whilst we are not qualified lighting engineers, any lighting plan should be approved by a professional lighting engineer (e.g. a Member of the ILP), particularly where a lighting condition is imposed, to help avoid conflict and light pollution. Bollard lighting should be avoided, SBD Residential (Homes) Guide 2025 states:
"19.3 SBD does not advocate the use of bollard lighting to achieve lighting uniformity. Bollard lighting is purely for wayfinding and can be easily obscured or damaged. It should be avoided, as it can increase the fear of crime, because it does not project sufficient light at the right height to recognise facial features." Lighting of all roads including main, side roads, cul de sacs and car parking areas should be to BS5489-1:2020 in accordance with SBD and the British Parking Association (BPA) Park Mark Safer Parking Scheme specifications and standards.
5. If new external doorsets are proposed (a doorset is the door, fabrication, hinges, frame, installation and locks) including folding, sliding or patio doors, we recommend these to meet PAS 24: 2022 UKAS certified standard, STS 201 or LPS 2081 Security Rating B+. Please Note, PAS 24: 2012 tested for ADQ (Building Regs) has been superseded and is not suitable for this development. This recommendation is applicable to the doorset for the gym space as well.
6. If new windows are proposed on the ground floor and any window that is easily accessible on any other level e.g. from flat roofs or balconies, we recommend these to meet PAS 24: 2022 UKAS certified standard, STS 204 Issue 6:2016, LPS 1175 Issue 8:2018 Security Rating 1/A1, STS 202 Issue 7:2016 Burglary Rating 1 or LPS 2081 Issue 1.1:2016 Security Rating A. Glazing to be laminated. Toughened glass alone is not suitable for security purposes. This recommendation is applicable for the windows of the proposed gym space as well.
7. Bedroom windows on the ground floor require a defensive treatment to deflect loitering. 8. We recommend "A GUIDE FOR SELECTING FLAT ENTRANCE DOORSETS 2019" for

buildings featuring multiple units, any covered access must deflect loitering that can stop residents and their visitors from using it without fearing crime. Entrance doors must be lit and designed to provide no hiding place.

9. For the main communal doors audio/visual door entry systems are required. We strongly advise against trade buttons and timed-release mechanisms, as they permit unlawful access and have previously resulted in issues with Crime and ASB.

10. Cycle and Bin Stores must be well lit and lockable, with controlled access for the residents. For cycle storage, we advise on the use of ground/ wall SBD or sold secure anchors within a lockable shed or storage area.

11. Mail delivery to meet SBD TS009 are strongly recommended for buildings with multiple occupants along with a freestanding post box of SBD/Sold Secure approved Gold standard.

If mail is to be delivered within the lobby, there must be an access controlled door leading from the lobby to the apartments/ stairs on the ground floor to prevent access to all areas.

12. CCTV is advised for all communal entry points and to cover the mail delivery area. In addition, CCTV is advised for the proposed gym floor place as well especially the entrance point to monitor the use.

13. We strongly recommend alarms be installed, preferably with an autodial function, as an additional layer of security for the proposed gym floor space.

If approved, site security is required for the construction phase. There is a duty for the principle contractor "to take reasonable steps to prevent access by unauthorised persons to the construction site" under the Construction (Design and Management) Regulations 2007. The site security should incorporate plant, machinery, supplies, tools and other vehicles and be site specific to geography and site requirements.

We welcome a discussion with the applicant/agent about site specific designing out crime. If the points above are not addressed, they can affect the development and local policing.

This information is provided by Kent Police DOCO's and refers to situational crime prevention. This advice focuses on CPTED and Community Safety with regard to this specific planning application.

Officer Note: The comments raised relate to matters of design and crime prevention which fall outside the scope of this Lawful Development Certificate and have not been taken into account in the assessment of lawfulness.

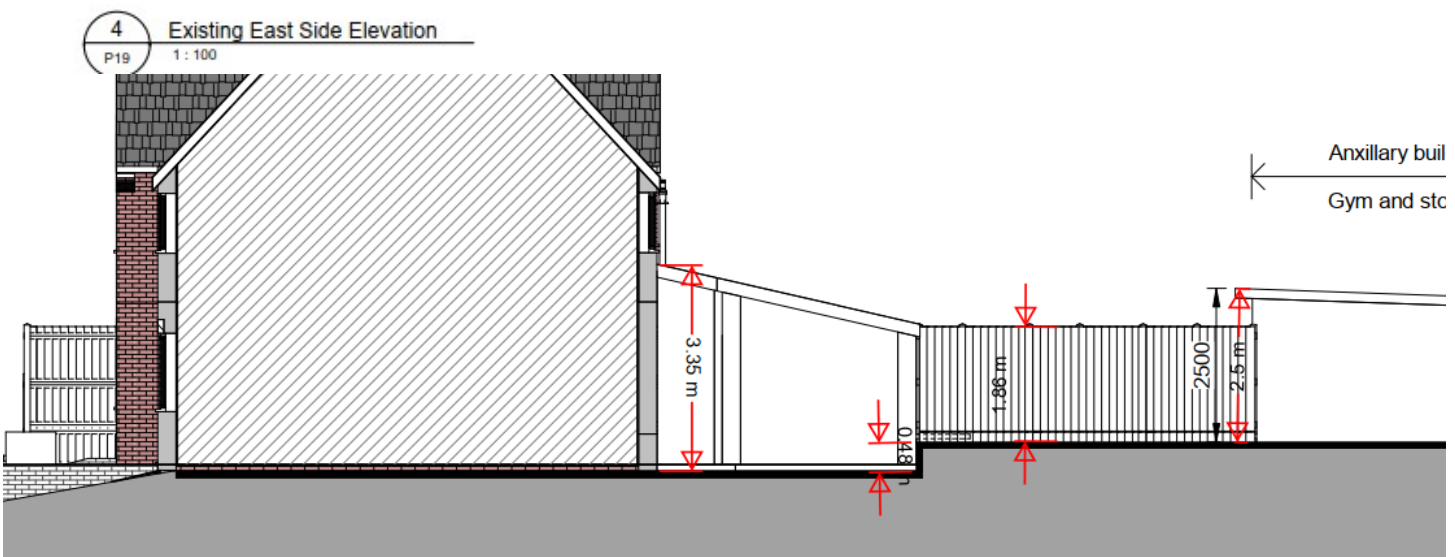
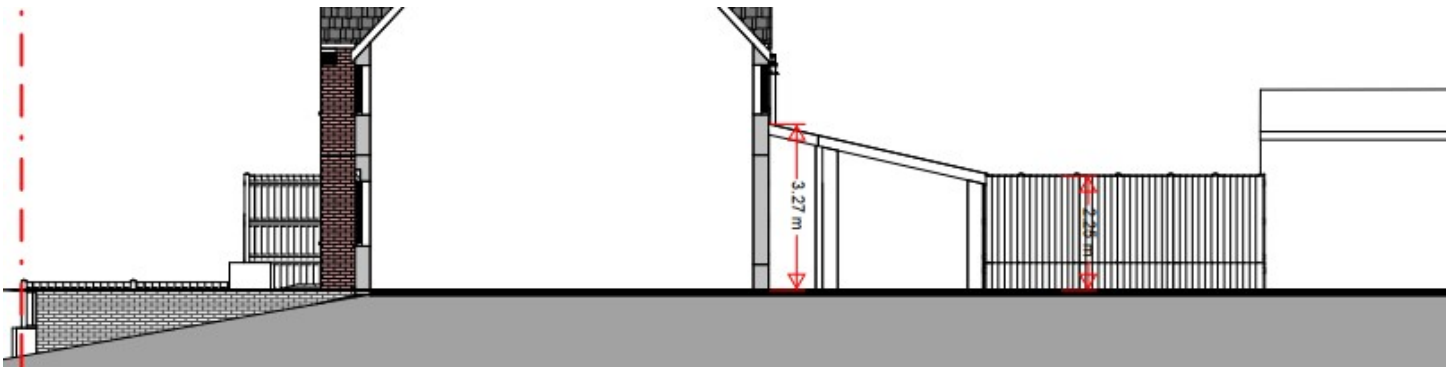
Procedural Note

Land Levels

It was noted on the site visit that the site has varying land levels:



The plans show some inconsistencies between the existing rear extension and the proposed, however there are no proposed alterations to this extension set out within the design and access statement or application form. It is also noted that there appear to be some significant land level changes proposed:



Significant land level changes, particularly over 0.30m can be considered to constitute an engineering operation. An engineering operation would not fall under permitted development rights, and planning permission would be required.

Proposed Development

This application proposes the conversion of a three-bedroom dwellinghouse to a HMO for up to 6 people. Proposed works include the proposed construction of a dormer within the side roof slope to facilitate habitable rooms, and conversion of existing garage to a gym with alterations to the internal walls and change of roof form from pitched to flat.

The proposed floor plans show the following:

Ground Floor Level

- Entrance Lobby
- Bedroom G-1 – Double bed, kitchen and en-suite shower room
- Bedroom G-2 – Double bed, kitchen and en-suite shower room
- An open plan kitchen/dining/living area

Garden Outbuilding

- Gymnasium with a shower room (WC and basin), along with a storage area

First Floor Level

- Bedroom F1 – Double bed and en-suite shower room
- Bedroom F2 – Single bed
- Bedroom F3 – Single bed
- Separate shared shower room with WC

Second Floor (Loft) Level

- Bedsit/bedroom containing Double bed, kitchen and shower room

Officer Assessment

Permitted Developments Rights Restrictions

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

C3 Dwellinghouses can be converted to a C4 House of Multiple Occupation (HMO) for no more than six (unrelated) people who share amenities, provided it meets the criteria set out in Class L of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Although the plans show that there would be some occupiers that would share a shower room, along with kitchen and living facilities, (occupiers of F1, F2, F3) it is evident that some of the rooms would be capable of operating as separate self-contained units. These units are complete with bedroom, kitchen, bathroom, additional room area and it is evident from the plans that they could be accessed independently.

In addition, several bedrooms are shown on the plans as double rooms, which if used to capacity would exceed the 6 person limit permitted under the GPDO. Furthermore, the gymnasium in the rear garden includes a shower room which is considered to represent primary living accommodation. In some instances, shower rooms in gymnasiums can be considered to be reasonably required. However, in this instance, it is a short distance from the outbuilding to the property, where there are 4 en-suites available, along with an additional

shower room. This issue is assessed in more detail, under Class E, later on in this report.

L.	Development consisting of a change of use of a building -	Y/N
(a)	from a use falling within Class C4 (house of multiple occupation) of the Schedule to the Use Classes Order, to a use falling within Class C3 (dwellinghouses) of that Schedule;	N/A
(b)	from a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order, to a use falling within Class C4 (houses in multiple occupation) of that Schedule	This has been applied for however the proposal fails as described above
L.1	Development is not permitted by Class L if it would result in the use -	
(a)	as two or more separate dwellinghouses falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order of any building previously used as a single dwellinghouse falling within Class C4 (houses in multiple occupation) of that Schedule; or	N/A
(b)	as two or more separate dwellinghouses falling within Class C4 (houses in multiple occupation) of that Schedule of any building previously used as a single dwellinghouse falling within Class C3 (dwellinghouses) of that Schedule.	Y as described above

Notwithstanding the information provided with this application, taking all the above into account, and on the balance of probability, it is considered that 62 Taunton Vale would not fall under use as a C4 dwellinghouse and would instead result in mixed accommodation and the creation of self-contained units. As such the proposal would not fall under permitted development rights for a change of use from Class C3 to Class C4 and would therefore fail to comply with Class L.

Class B - The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.

1. Original Roof Volume (m ³)	N/A
2. Existing Roof Extensions (m ³)	N/A
Remaining Roof Volume (m ³) formula: (1 minus 2) = X 40m³ or 50m³ minus X =remaining volume Officer to show calculations in case notes (indexed on NEC)	No previous alterations undertaken, as such 40m ³ remains

B.1	Development is not permitted by Class B 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)	Any part of the dwellinghouse would, as a result of the works, exceed the height of the	

	highest part of the existing roof;	N
(c)	Any part of the dwellinghouse would, as a result of the works, extend, beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway;	N
(d)	The cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than – (i) 40 cubic metres in the case of a terrace house, or (ii) 50 cubic metres in any other case;	N 16.77m3 N
(e)	It would consist of or include – the construction or provision of a verandah, balcony or raised platform or the installation, alteration or replacement of a chimney, flue or soil and vent pipe; or	N N
(f)	The dwellinghouse is on article 2 (3) land	N
B.2	Development is permitted by Class B subject to the following conditions –	Y/N
(a)	The materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;	Y
(b)	The enlargement must be constructed so that – (i) other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side – extension (aa) the eaves of the original roof are maintained or reinstated; and (bb) the edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge of the eaves; and (ii) other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwelling house; and	Y Y >0.20m N It does not
(c)	Any window inserted on 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.	Y (obscure glazed) Opening part above 1.70m

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 However land level changes of approx. 0.48m are indicated on the plans. N/A
(f)	The height of the eaves of the building would exceed 2.5 metres;	N However see below- land level changes
(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;	Y
(i)	It relates to a dwelling or a microwave antenna; or	N

(j)	The capacity of the container would exceed 3,500 litres	N
(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 dwellinghouse would exceed 10 square metres.	N/A
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

E.4 Incidental to the Dwellinghouse

Class E sets out the rules on permitted development for buildings etc within the curtilage of a house. Buildings which are attached to the house are not permitted under Class E (they would be subject to the rules in Class A). Buildings under Class E should be built for purposes incidental to the enjoyment of the house. Paragraph E.4 of Class E indicates that purposes incidental to the enjoyment of the house includes the keeping of poultry, bees, pet animals, birds or other livestock for the domestic needs or personal enjoyment of the occupants of the house. But the rules also allow, subject to the conditions and limitations below, a large range of other buildings on land surrounding a house. Examples could include common buildings such as garden sheds, other storage buildings, garages, and garden decking as long as they can be properly be described as having a purpose incidental to the enjoyment of the house. A purpose incidental to a house would not, however, cover normal residential uses, such as separate self-contained accommodation or the use of an outbuilding for primary living accommodation such as a bedroom, bathroom, or kitchen.

In terms of this application, the outbuilding would be used as a gym with shower room and storage area. As aforementioned previously in this report and as set out within the Government Technical Guidance for permitted development rights for householders, a shower room is an example of primary living accommodation. Despite this, in isolation, a shower room could sometimes be considered as 'reasonably required' in conjunction with a home gym use. In the case of this application, the outbuilding is a very short distance to the property, where there are 4 ensuite and a further shower room available. Given that it is considered that the proposal for the dwelling would result in separate self-contained units, along with the fact that there are ample bathroom facilities within close proximity to the outbuilding- the shower room is not considered to be reasonably required. As such, the use is not considered to be incidental to the dwellinghouse and planning permission would be required.

Conclusion

The proposal fails to comply with the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the reasons set out below.

On the balance of probability, it is considered that 62 Taunton Vale would not remain a private domestic dwellinghouse and would instead result in the creation of self-contained units. As such the proposal would not comply with Class L and would not fall under a change of use from Class C3 to Class C4, meaning planning permission would be required.

Significant land level changes, particularly over 0.30m can be considered to constitute an engineering operation. The plans indicate land level changes of approximately 0.48m. An engineering operation would not fall under permitted development rights, and planning permission would be required for the development.

The outbuilding would fail to comply with Class E. Land level changes are indicated on the plans which would result in the outbuilding failing to comply with the requirements of Class E. In addition, the shower room included within the outbuilding is an example of primary living accommodation which is not considered to be reasonably required given the short distance from the outbuilding to the property along with the extensive facilities provided within the property itself. As such the outbuilding is not considered to be for purposes incidental to the enjoyment of the dwellinghouse and it would require planning permission.

Recommendation: <u>Refuse</u> Lawful Development Certificate

Case Officer:	Mrs Lucy Hankin	Team Leader:	Richard Hart
Signed:	L Hankin	Signed:	<i>R Hart</i>
Dated:	7 th April 2026	Dated:	13th April 2026