



Application: 20211528

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

To: **Mr Teasdale
C/O Mr Samuel Moss, Samuel Moss Ltd
42 King Edward Avenue
Dartford
DA1 2HY**

CERTIFICATE OF PROPOSED LAWFUL USE OR DEVELOPMENT

GRAVESHAM BOROUGH COUNCIL hereby certify that on 10th December 2021 the use, operation or matter described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged red on the plan attached to this certificate, **WOULD HAVE BEEN LAWFUL** within the meaning of Section 192 of the Town and Country Planning Act 1990 (as amended), for the following reason(s):-

The proposed development, being a rear dormer extension, a hip to gable enlargement and the formation of a hardstanding, falls within Schedule 2, Part 1, Classes B, C and F of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended. Therefore planning permission is not required and a Lawful Development Certificate can be granted.

First Schedule

Lawful Development Certificate in respect of a replacement of the rear dormer, hip to gable roof conversion, conversion of the additional roof space to form habitable rooms and formation of new hardstanding in the front garden.

Second Schedule

**7 Elwill Way
Istead Rise
Gravesend
Kent
DA13 9JT**

INFORMATIVES:-

1 DRAWINGS AND DOCUMENTS

For the avoidance of doubt the developer provided the following information to the Local Planning Authority to assist in the consideration of this application:

Application for Lawful Development Certificate for Proposed use/development form;
Drawing no. SM332.1 Existing block and location plans and elevations and layouts; and
Drawing no. SM332.3 Proposed block plan and elevations and layouts.

2 STATEMENT OF POSITIVE AND PROACTIVE APPROACH TO DECISION-MAKING

In accordance with Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), and paragraph 38 of the National Planning Policy

Framework (NPPF) 2021, the Local Planning Authority has approached the assessment and determination of this application in a positive and creative way and, where appropriate, has worked pro-actively with the applicant to secure a development that is sustainable and that improves the economic, social and environmental conditions of the area, and that is in accordance with the Development Plan for the area.

3 INFORMATION FOR THE APPLICANT

The applicant should note that the proposed developments shown in the current application and in application 20211521 could not be built at the same time. The raised eaves of the proposed rear extension would impinge upon the bottom of the proposed dormer. If both developments are proposed to be constructed, then planning permission would be likely to be required for the resulting development.

4 WORKS OF CONSTRUCTION

Hours of work of construction site plant, equipment and machinery, should be restricted to not earlier than 7.00 a.m. and not later than 6.00 p.m. weekdays and Saturday working should be restricted to not earlier than 8.00a.m. and not later than 1.00 p.m. No work shall be carried out on Sundays, Bank or Public Holidays.

- i. Suitable sound attenuation shall be used at all times in respect of all plant, machinery and equipment in operation on site in order to aid prevention of noise nuisance. Compliance with BS 5228: Part 1: 1984 and subsequent amendments regarding the use of equipment on site will be required in appropriate cases.
- ii. A suitable method of control shall be used in order to aid prevention of dust nuisance arising from work activities on site.
- iii. Burning of waste materials shall not be carried out on site. Such materials are to be stored in a suitable receptacle, as far from residential accommodation as reasonably practicable, pending disposal off site.
- iv. Adequate arrangements shall be made to remove all waste material from the site on a regular basis and to dispose of it at a suitably licensed waste disposal site.

Dated: 4 February 2022

Civic Centre
Windmill Street
Gravesend
Kent
DA12 1AU

Wendy Lane MRTPI
Assistant Director (Planning)
Planning Service

NOTES

This certificate is issued solely for the purpose of Section 192 of the Town and Country Planning Act 1990 (as amended).

It certifies that the use, operation or matter specified in the First Schedule taking place on the land described in the Second Schedule would have been lawful, on the specified date and, thus, was would not have been liable to enforcement action under Section 172 of the 1990 Act on that date.

This certificate applies only to the use, operation or matter described in the First Schedule and identified on the attached plan. Any use, operation or matter which is materially different from that described or which relates to other land may render the owner or occupier liable to enforcement action.

The effect of the certificate is also qualified by the proviso in Section 192(4) of the 1990 Act, as amended, which states that the lawfulness of a described use, operation or matter is only conclusively presumed where there has been no material change, before the use is instituted or the operation begun, in any of the other matters relevant to determining such lawfulness.

Gravesham Borough Council

Application	20211528
Site Address	7 Elwill Way Istead Rise Gravesend Kent DA13 9JT
Date	4 February 2022
PMSA Number	0100019166

OS Map – Scale 1:1,250



Reproduced from the Ordnance Survey map with permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2012.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.