

Delegated Report

Lawful Development Certificate (Proposed)

Application no:	20211528
Location	7 Elwill Way Istead Rise Gravesend Kent
Proposal:	Application for a 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.
Applicant:	Mr Teasdale
Site Visit	29 June 2021

Plans & Documents

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.

Property Type

The property comprises of a semi-detached bungalow with front and rear gardens.

Material Consideration

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

Relevant Planning History

<u>Application No.</u>	<u>Description</u>	<u>Status</u>	<u>Decision</u>
20210566	Erection of a single storey rear extension and extension of existing front/rear flat roof dormer.	Refused	30.06.2021
20210940	Erection of a single storey rear extension and alterations to the roof incorporating extensions to the existing front and rear dormers.	Permitted	21.09.2021
20211521	Extension of existing single storey rear extension, replacement of the store windows with brickwork and new pitched roof to porch.	Pending consideration	

Officer Assessment

Permitted Developments Rights Restrictions

Article 2 (3) Land (AONB, Conservation Area)	No
Article 4 Direction	No
Permitted Development Rights Removed/Restricted	No

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

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;	27m ³ dormer 13m ³ hip to gable 40m ³ total
(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
(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	Y 0.24m

	(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	N
(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.	N/A

Class C - Any other alteration to the roof of a dwellinghouse.

C.1	Development is not permitted by Class C if -	Y/N
(a)	permission to use the dwelling 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 alteration would protrude more than 0.15 metres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof;	N
(c)	it would result in the highest part of the alteration being higher than the highest part of the original roof;	N
(d)	it would consist of or include – (i) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or (ii) the installation, alteration or replacement of solar photovoltaics or solar thermal equipment.	N N
C.2	Development is permitted by Class C subject to the condition that any window located on a roof slope forming a side elevation of the dwellinghouse must be- (a) obscure-glazed; and (b) 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.	NA

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	
(b)	The area of ground covered by the hard surface, or the area of hard surface replaced, would exceed 5 square metres,	33m ²
	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.	Y

The current application has been submitted with a second application (20211521) for the extension of the existing single storey rear extension, replacement of the store windows with brickwork and a new pitched roof to porch at the application site. That planning application is likely to be permitted.

It is noted that the proposed developments shown in the current application and in application 20211521 could not be built at the same time. The following images show that the raised eaves of the rear extension would impinge upon the bottom of the proposed dormer;

20211528 LDC proposed rear elevation

Current application proposed rear elevation



If both developments are proposed to be constructed, then planning permission would be likely to be required for the resulting development. This issue can be brought to the attention of the applicant by way of an informative on any planning permission granted.

Conclusion

The proposed development, being the construction of an outbuilding in the rear garden, falls within Schedule 2, Part 1, Class 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.

Recommendation: <u>Grant</u> Lawful Development Certificate		
	Name/Signature	Date
Planning Officer	K Joyce	03 February 2022
Team Leader		04 February 2022