

Delegated Report

Lawful Development Certificate (Proposed)

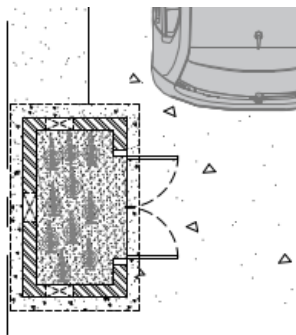
Application no:	20240698
Location	12 Lapis Close Gravesend Kent DA12 4UF
Proposal:	Application for a Lawful Development Certificate in respect of the conversion of the existing garage space into a bedroom and accessible shower room.
Applicant:	Mrs K Borley, C/o Master Smith
Site Visit	N/A Desktop Assessment

Plans & Documents

Application Form;
Drawing No. (02) 001 – Elevations Front and Side and Floor Plan as Existing;
Drawing No. (02) 002 – Block Plan and Site Location Plan as Existing;
Drawing No. (07) 001 – Elevations Front and Side and Floor Plan as Proposed;
Drawing No. (07) 002 – Bedroom as Proposed;
Drawing No. (07) 003 – Shower Room as Proposed;
Drawing No. (07) 004 – 02 Cylinder Store as Proposed; and
Drawing No. (07) 005 – Block Plan and Site Location Plan as Proposed.

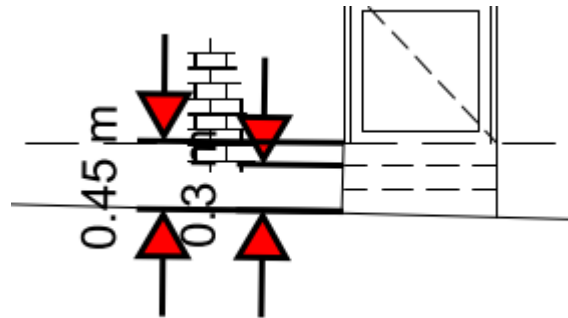
Plan Note

A cylinder storage area has been included on the proposed plans. For the avoidance of doubt, this has not formed part of the description and is not a consideration of this proposal. It should be noted that this would be situated forward of the principal elevation and would therefore likely require planning permission.



In addition, there appears to be some steps formed to facilitate the side access door to the bedroom. This is not a consideration of this proposal, however, it should be noted that Section 55 of the Town and Country Planning Act (1990) defines development as carrying out of building, engineering, mining or other operations

in, on, over or under land, or the making of any material change in the use of any buildings or other land. The steps are not shown on the front elevation and therefore cannot be accurately measured.



The applicant should note that a change in land levels particularly when it would be at 0.3m or greater, would likely be considered an engineering operation requiring planning consent.

Property Type

12 Lapis Close is a two storey detached property.

Material Consideration

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

Relevant Planning History

No relevant history.

Although there is no relevant planning history, it is noted that condition 3 of approved application 20140266 (erection of single storey side and rear extensions) restricts openings within the flank elevations of the approved extension:

3. Notwithstanding the provisions of Article 3, Part 1, Class A of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995, or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, no further windows, doors or other forms of openings shall be formed in the flank elevations of the extension hereby permitted without the prior permission, in writing, of the Local Planning Authority.

Reason To protect the amenity of occupiers of adjoining residential properties.

However, the fenestration alterations proposed within this current application does not impact the approved extension, and as such is not relevant.

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 G, M, MA, 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/A
(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	N
(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/A
(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/A
(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 – (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;	N/A N/A
(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/A
(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,	N/A

	(ii) have more than a single storey, or (iii) have a width greater than half the width of the original dwelling; or	
(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);	N/A
(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 N N 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 –	Y/N
(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;	N/A
(b)	the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or	N/A
(c)	the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse.	N/A
(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).	N/A
A.3	Development is permitted by Class A subject to the following conditions –	Y/N
(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;	Y as per agent email
(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	N/A
(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	N/A

	of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.	
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Conclusion

There are no conditions or removal of permitted development rights that would restrict the conversion of the garage to form a bedroom and shower room. As such, the proposed development complies with Schedule 2, Part 1, Class A of **THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015, AS AMENDED**, and the **LAWFUL DEVELOPMENT CERTIFICATE is GRANTED**.

Recommendation: Grant Lawful Development Certificate

Case Officer:	Mrs Lucy Hankin	Team Leader:	Richard Hart
Signed:	L Hankin	Signed:	<i>R Hart</i>
Dated:	2nd October 2024	Dated:	2nd October 2024