

Delegated Report

Lawful Development Certificate (Proposed)

Application no:	20240765
Location	23 Pine Avenue Gravesend Kent DA12 1QY
Proposal:	Application for a Lawful Development Certificate in respect of change of the existing pebble dash wall finish to key render grey colour finish.
Applicant:	Mr K Singh
Site Visit	N/A Desktop Assessment

Plans & Documents

Application Form;
 Supplementary Information – email from applicant with additional details of render (received 02.10/24);
 Drawing No. 01 – Front and Rear Elevations – Existing and Proposed;
 Drawing No. 02 – Right Side Elevations – Existing and Proposed;
 Drawing No. 03 – Left Side Elevations – Existing and Proposed; and
 Drawing No. 04 – Block Plan.

Property Type

23 Pine Avenue is a two storey detached property.

Material Consideration

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

Relevant Planning History

Reference	Description	Decision	Decision Date
20240503	Retrospective application for the conversion of the garage into habitable room, changing the roof to flat increasing the height & part single storey rear infill extension.	Permitted	24.07.2024

Planning History Note

Condition 2 of the approval of application 20240503 states:

Notwithstanding the details included on the application form and approved plans the materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing dwelling. Furthermore, the completion of the works shall take place within 6 months of this permission.

Reason: To ensure a satisfactory visual relationship between the existing and the new development in accordance with Policy CS19 of the Gravesham Local Plan Core Strategy (2014).

The purpose of this application is to assess whether the proposed change from pebble dash to key render (grey) would be lawful. This is considered below.

Officer Assessment

Permitted Developments Rights Restrictions

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

The relevant part of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) to this enquiry is Class A.3(a) of Part 1 of Schedule 2:

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;	

As set out above, and clarified within the Government Technical Guidance on Permitted development for Householders:

The condition above is intended to ensure that any works to enlarge, alter or improve a house result in an appearance that minimises visual impact and is sympathetic to existing development. This means that the materials used should be of similar visual appearance to those in the existing house, but does not mean that they need to be the same materials.

For example:

- the external walls of an extension should be constructed of materials that provide a similar visual appearance - for example in terms of colour and style of brick used - to the materials used in existing house walls.*
- a pitched roof on an extension should be clad in tiles that give a similar visual appearance to those used on the existing house roof. Again, colour and style will be important considerations; flat roofs will not normally have any visual impact and so, where this is the case, the need for materials of similar appearance should not apply.*
- it may be appropriate to replace existing windows with new uPVC double-glazed windows or include them in an extension even if there are no such windows in the existing house. What is important is that they give a similar visual appearance to those in the existing house, for example in terms of their overall shape, and the colour and size of the frames.*

The requirement for similar visual appearance does not apply to conservatories.

The change proposed as part of this application would be:

Existing external wall finish (as per previous site photos)	Proposed (as provided by applicant)
	

The applicant has indicated that it would be a smooth render.

If the application were proposing to render over existing brickwork, then it is highly likely that this application would fail to comply with A.3(a) and the certificate could be refused. In this instance, the proposed external material does differ from the existing, in terms of texture and colour, however a degree of reasonableness should be applied. The proposed alterations are considered to provide a similar visual appearance to the existing dwelling and would have a minimal visual impact. As such, it is considered that the proposed development would be lawful and the certificate should be granted.

Conclusion

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