

Delegated Report

Lawful Development Certificate (Proposed)

Application no:	20240068
Location	Tanners Grange Tanyard Hill Shorne Gravesend
Proposal:	Application for a Proposed Lawful Development Certificate in respect of erection of part two storey and part single storey rear extension and single storey side extension.
Applicant:	Mr Stuart Grist
Site Visit	24 April 2024

Plans & Documents

Application form for a Lawful Development Certificate for a Proposed Use or Development;
Drawing no. 4639_01 Existing block and site location plans;
Drawing no. 4639_02 Existing ground floor layout;
Drawing no. 4639_03 Existing first floor layout;
Drawing no. 4639_04 Existing northern and eastern elevations;
Drawing no. 4639_05 Existing southern and western elevations;
Drawing no. 4639_06 Proposed ground floor layout;
Drawing no. 4639_07 Proposed first floor layout;
Drawing no. 4639_08 Proposed northern and eastern elevations;
Drawing no. 4639_09 Proposed southern and western elevations;
Drawing no. 4639_10 Proposed block plan; and
Design & Access Statement January 2024.

Property Type

The property comprises of a detached, two storey dwelling set in a large plot.

Material Consideration

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

Relevant Planning History

Reference	Description	Decision	Decision Date
20240069	Prior approval application for a single storey rear extension with a depth of 8.00 metres, maximum height of 2.60 metres and eaves height of 3.00 metres.	Prior approval refused	07.03.2024
20221097	Application for a Lawful Development Certificate in respect of the proposed erection of a two storey rear	Certificate refused	06.12.2022

	extension.		
20220869	Application for a Lawful Development Certificate in respect of the proposed erection of a single storey rear extension.	Certificate granted	30.09.2022
20220868	Application for a Lawful Development Certificate in respect of the proposed erection of a two storey rear extension	Certificate refused	30.09.2022
20220551	Application for a Lawful Development Certificate in respect of the proposed erection of a two storey side extension.	Certificate refused	26.07.2022
20220116	Erection of a double storey side extension creating sitting room, study, lobby and utility room on ground floor and one extended bedroom, ensuites and dressing room on the first floor	Refused	01.04.2022
20210451	Retention of barn.	Permitted	04.06.2021
20201328	Application for a Lawful Development Certificate in respect of the continued use of a portion of adjacent land to Tanners Grange as residential curtilage.	Certificate granted	31.03.2021
20201289	Retention of barn outbuilding.	Withdrawn	14.12.2020
19980303	Application for a Lawful Development Certificate in respect of the proposed construction of a swimming pool and enclosure.	Certificate granted	15.06.1998
19970171	Construction of a bay window on ground floor west elevation, in substitution of that approved under planning permission reference number GR/96/473.	Permitted	01.05.1997
19960473	**AMENDED APPLICATION/REVISED DESCRIPTION** Erection of first floor extension on the west side elevation to form two bedrooms, bathroom and an ensuite bathroom; erection of a porch and covered way at the rear with balcony over; conversion of existing integral garage into a kitchen involving demolition of the front part of the garage and erection of a bay window; and erection of a two storey front extension to form enlarged entrance hall and covered entrance porch with bay window at first floor level.	Permitted	20.12.1996
19890753	Outline application for the erection of a detached bungalow.	Refused	17.11.1989
19890752	Outline application for the erection of a detached bungalow.	Refused	17.11.1989
19840748	Erection of stable block with ancillary tack room and bay store	Permitted	12.11.1984
19800849	Demolition of existing stables on the west side of the building and the erection of a single storey extension to provide lounge bedroom and bathroom erection of an extension at the rear of the existing garage on the east side of the building to form a kit	Permitted	23.12.1980

There is no statutory requirement to undertake consultations on lawful development certificate (LDC) applications. However, representations have been received from Shorne Parish Council and the Dickens' Country Protection Society. These are set out as follows;

Shorne Parish Council

The Parish Council objects to this application, which would not be lawful development and instead requires planning permission.

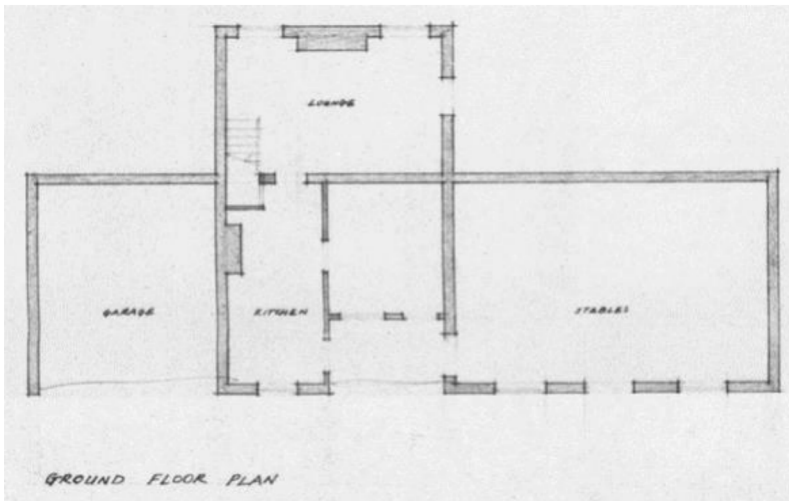
The Application has two parts:

1) Erection of part two storey and part single storey rear extension:

This application is equivalent to a re-application of Ref 20221097 which was refused permission, and was itself a reapplication after refusal previously of Ref 20220868

The proposed extension extends eastwards beyond the original wall of the dwelling house, so would not be lawful.

Application Ref 19800849 shows the original floorplan:



Following through the plans over the years shows that the attached garage, which was not part of the original dwelling house as not living accommodation, is the kitchen of the current plans.

The proposed design remains incongruous. The proposal will increase the bulk and mass of the property, further increasing the floor area. Taken with the previously permitted single storey rear extension there will effectively be a full width extension of the presently existing house.

2) Single storey side extension:

This would be extending eastwards from the side of the original garage, which is not part of the original dwelling house, so would not be lawful.

Joining up to the pool house would not be permitted development and would require planning permission.

3) General points:

This property has been subject to a considerable number of planning applications.

The floor area of the original dwelling appears to be only about 100sqm, and the house has already been extended very considerably beyond the one-third rule.

Other built forms have also been constructed on the property (pool house, stables, residential accommodation over garage without planning permission, barn/office building with retrospective planning permission), the area of all of which should also be taken into account.

We consider that the main house and the overall property are being over-developed.

Dickens' Country Protection Society

In the Society's view, these proposals require a full planning application. The Society is concerned at the quantum of development being proposed on this Green Belt site. In the Society's view, the proposed side extension does not fit well with the existing building.

Officer Assessment

A LDC application must be determined on the facts of the case and the planning law. The planning merits are not relevant to the decision. Therefore, the comments of Shorne Parish Council and the Dickens' Country Protection Society are noted but cannot be taken into consideration in the determination of this application.

It is also noted that the applicant has submitted a response to the consultee's comments (in an email received 22 February 2024). In this response, it is stated that the original building at the application site was the property that was in existence at the time of application reference 19960473 and reference is made to a 'case officer's delegated report'. However, whilst it is noted that the delegated report for application reference 20220116 did refer to the original property as that shown in application 19960473, the report made it clear that this was because there was no access to previous planning records. Now access to more detailed planning history is available, the extent of the original dwelling can be identified. The original dwelling was shown in the existing drawings for planning application reference 19800849 (see below tables for further details).

Permitted Developments Rights Restrictions

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

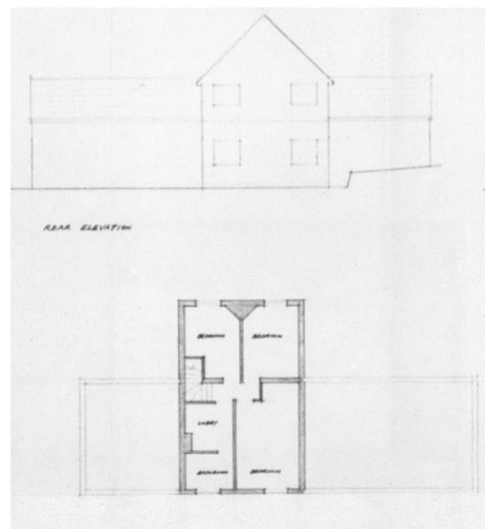
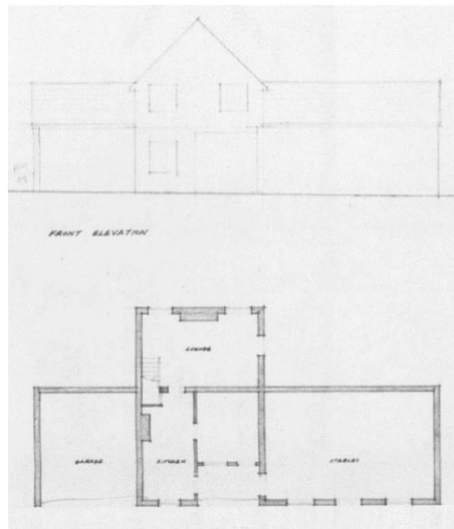
Class A - The enlargement, improvement or other alteration of a dwellinghouse

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 M, 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
(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

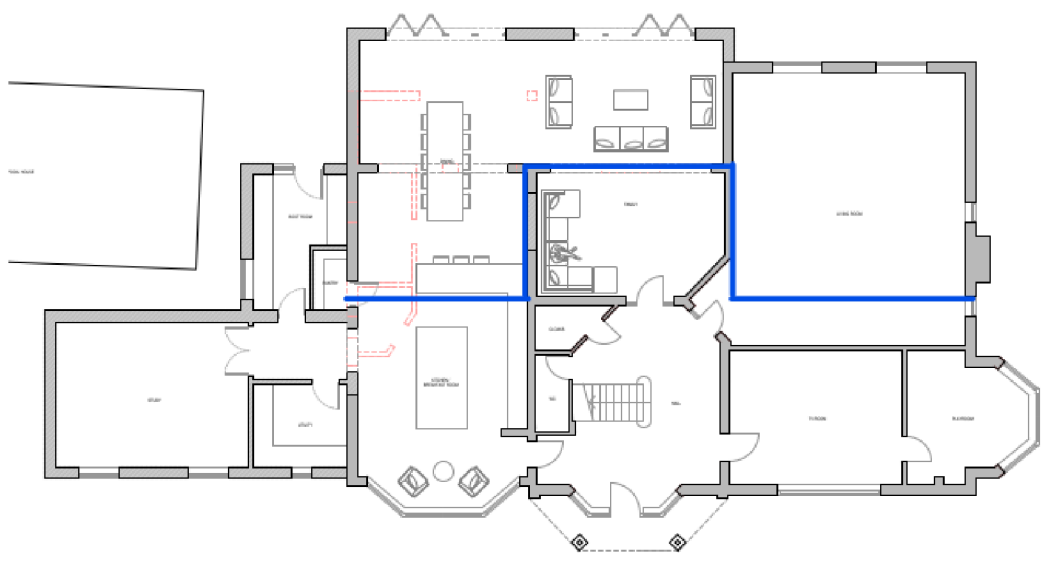
(e)	the enlarged part of the dwellinghouse would extend beyond a wall which – (i) forms the principal elevation of the original dwellinghouse; or (ii) fronts a highway and forms a side elevation of the original dwellinghouse	N
(f)	subject to paragraph (g), the enlarged part of the dwellinghouse would 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 <u>detached dwellinghouse</u> , or 3 metres in the case of any other dwellinghouse, or (ii) exceed 4 metres in height	Y (4-7.9m) ¹ Y (6.7m) ²
(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 <u>detached dwellinghouse</u> , or 6 metres in the case of any other dwellinghouse, or (ii) exceed 4 metres in height;	N (4-7.9m) Y (6.7m) ²
(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;	Y (4m) ³ N
(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
(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, (ii) have more than a single storey, or (iii) have a width greater than half the width of the original dwelling; or	Y (6.7m) Y Y ⁴
(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);	Y ⁴
(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	Y ⁵ 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	Y/N

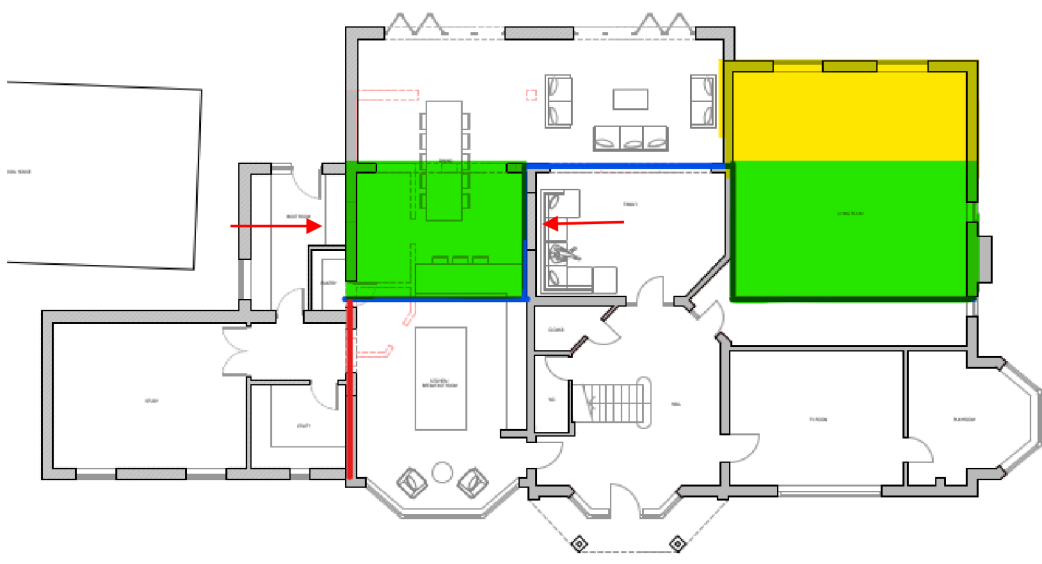
	by Class A if –	
(a)	it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;	N/A
(b)	the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original 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;	Not specified ⁶
(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 of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.	N/A

¹ The original dwelling at the application site is the building as shown in the existing drawings for planning application reference 19800849. Extracts from these are shown below;



The original rear elevation of the application property is shown in blue on the following annotated copies of the proposed ground floor layout plan (drawing no. 4639_06). The relevant original side elevations of the application property are shown with a red line and two red arrows. Green shows the area that was extended under planning permission references 19800849 and/or 19960473 and yellow shows the area that was extended under LDC reference 20220869;





Therefore, the proposed rear extension would adjoin an existing rear extension (the green area on the left of the above image) and the overall depth of the total enlargement would measure between 4 and 7.9 metres from the original rear elevation of the dwelling.

² Whilst it is noted that the height of the ground floor element of the proposed rear extension would be 3 metres, the first floor element would have a height of 6.7 metres. Therefore, the total enlargement would exceed 4 metres in height.

³ Whilst it is noted that the proposed first floor element of the rear extension would have a depth of 3 metres, the ground floor element would have a depth of 4 metres. Therefore, the total enlargement would consist of more than one storey and would extend beyond the rear wall by more than 3 metres.

⁴ The proposed rear extension would extend beyond a side wall of the original rear projection at the application property (this wall is indicated on the above image by the left hand arrow). The original dwelling has a width of 18.6 (half width 9.3) and the proposed rear extension would have a width of 11.5 metres. Therefore, the proposal would be greater than half of the width of the original dwelling.

In addition, the proposed rear extension would adjoin an existing rear extension (the yellow area on the right of the above image), meaning that cumulatively, it would extend beyond the second side wall of the original rear projection at the application property (this wall is indicated on the above image by the right hand arrow). The overall width of the total enlargement would be 18.6 metres. Therefore, it would be greater than half of the width of the original dwelling.

Furthermore, the proposed rear extension would have more than a single storey and would exceed 4 metres in height.

The proposed side extension would adjoin an existing rear extension (the green area on the left of the above image) which is two storey, with a height of 6.4 metres. The total enlargement would have a width of 14.3 metres. Therefore, the width would be greater than half of the width of the original dwelling, it would have more than a single storey and it would exceed 4 metres in height.

⁵ The Juliet balcony (with no platform or external access) would not require planning permission.

⁶ The proposed external facing materials have not been specified. Any grant of this LDC application would

include an informative informing the applicant of the requirements of paragraph A.3 (a) of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Conclusion

The proposed development fails to comply with the provisions of paragraphs A.1 (g) (ii), A.1 (h) (i), A.1 (j) (i), (ii) and (iii) and A.1 (ja) of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and as such, planning permission would be required.

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

Case Officer:	Mrs Kelly Joyce	Team Leader:	Richard Hart
Signed:		Signed:	
Dated:	15th May 2024	Dated:	16th May 2024