

Delegated Report

Lawful Development Certificate (Proposed)

Application no:	20230075
Location	18 Nash Croft Northfleet Gravesend Kent
Proposal:	Application for a Lawful Development Certificate in respect of the proposed conversion of garage.
Applicant:	A Perkins
Site Visit	Desktop Assessment

Plans & Documents

Application Form;
3D Views – Existing (received on 31.01.23);
3D Views – Proposed (received on 31.01.23);
Site Location Plan (received on 01.02.23);
Block Plan – Proposed (received on 01.02.23);
Block Plan – Existing (received on 01.02.23);
First Floor Plan – Existing (received on 31.01.23);
First Floor Plan – Proposed (received on 31.01.23);
Front Elevation – Existing (received on 31.01.23);
Front Elevation – Proposed (received on 31.01.23);
Ground Floor Plan – Existing (received on 31.01.23);
Ground Floor Plan – Proposed (received on 31.01.23);
Rear Elevation – Existing (received on 31.01.23);
Rear Elevation – Proposed (received on 31.01.23);
Roof Plan – Existing (received on 31.01.23);
Roof Plan – Proposed (received on 31.01.23);
Section AA – Existing (received on 31.01.23);
Section AA – Proposed (received on 31.01.23);
Side Elevation – Existing (received on 31.01.23); and
Side Elevation – Proposed (received on 31.01.23).

Property Type

18 Nash Croft is a two storey semi-detached property.

Material Consideration

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

Relevant Planning History

Reference	Description	Decision	Decision Date
19940212	Erection of two storey side extension to form garage with bedroom at first floor level.	Permitted	22.12.1994

Officer Assessment

Permitted Developments Rights Restrictions

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

Application 19940212, 'Erection of two storey side extension to form garage with bedroom at first floor level' restricts permitted development rights for the property as shown below under condition 3:

(iii) That part of the extension hereby permitted shown as garage shall be used for the parking of a private motor car for the residential occupants of 18 Nash Croft, Northfleet and for no other purpose and no development, whether or not permitted by the Town and Country Planning General Development Order 1988 (as amended) shall be carried out on the site in such a manner or in such a position as to preclude the use of or access to the reserved vehicle parking space.
cont/d....
and the grounds for the imposition of such conditions are:-

(iii) That the development without provision of adequate accommodation for the parking or garaging of a private motor car or cars is likely to lead to car parking inconvenient to other road users and detrimental to amenity.

Whilst the above condition relates to the 1988 GPDO it is clear using *Dunnett Investments Limited [2017] EWCA Civ 192* and *Trump International Golf Club Scotland Limited v Scottish Ministers [2015] UKSC 74* case law that the above condition is sufficiently clear to establish the conversion of the garage would not be permitted under Article 3 of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 (as Amended) without the prior written permission of the Local Planning Authority having first been obtained.

Conclusion

The proposed development does not meet the criteria found within the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended. This is because permitted development rights have been removed for the garage under application 19940212, which states the garage shall only be used for the parking of a private motor car, and no development shall be carried out on site that would preclude this use or the access to the parking space.

As the above condition removes the applicant's right to carry out the said development under permitted development rights, the Lawful Development Certificate is refused and planning permission is required.

Recommendation: Refuse Lawful Development Certificate

Case Officer:	Mrs Lucy Hankin	Team Leader:	Richard Hart
----------------------	-----------------	---------------------	--------------

Signed:	L Hankin	Signed:	<i>R Hart</i>
Dated:	20 th March 2023	Dated:	21st March 2023