



Delegated Report

Lawful Development Certificate (Existing Use)

Application no:	20220122
Location	44 Scott Road Gravesend Kent DA12 5TS
Proposal:	Application for a Lawful Development Certificate in respect of the existing front porch.
Applicant:	Mr Andrew Barnes
Site Visit	Desktop Assessment

Preliminary Matters

The plans show a proposed driveway. The agent has confirmed at validation stage that this application relates to the porch as the driveway has been approved separately.

Plans & Documents

Application Form;
Drawing No. 45-PL-1000 REV A – Floor Plans and Elevations – Existing – with Site Location Plan; and
Drawing No. 45-PL-1001 REV A – Floor Plans and Elevations – Proposed – with Site Location Plan.

Property Type

44 Scott Road is a two storey terraced house.

Material Consideration

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

Relevant Planning History

Application No.	Description	Status	Decision
20211036	Proposed driveway and associated landscaping.	Permitted	04.11.2021
TH/2/54/32A	use of land (60.43 acres approx.) for residential use. This file contains planning documents for TH/2/54/32B, C, D, E & F	No Decision Notice	30.11.1954

TH/2/54/32

use of land (60.43 acres approx.)
for residential development

No Decision Notice

06.02.1954

Consultations, Publicity and Representations

This is an application for a Lawful Development Certificate that is considered on its facts and relevant planning law. As confirmed in national planning guidance, views expressed by third parties on the planning merits of such cases are irrelevant. Accordingly, unlike planning applications, there is no statutory requirement to undertake publicity or consultation. However, the application has been advertised by individual neighbour letters to 2 properties and the consultation period expired 29.04.22.

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 D - The erection or construction of a porch outside any external door of a dwellinghouse.

D.1	Development is not permitted by Class D 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 ground area (measured externally) of the structure would exceed 3 square metres	N 2.81m2
(c)	Any part of the structure would be more than 3 metres above ground level; or	Y 3.34m
(d)	Any part of the structure would be within 2 metres of any boundary of the curtilage of the dwellinghouse with a highway; or	N
(e)	the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses)	N

Conclusion

Under Class D.1 (c) any part of the porch must not be more than 3 metres above ground level. Ground level is defined in the Permitted Development rights for Householders, Government Technical Guidance, as the surface of the ground immediately adjacent to the building in question.

Therefore, the proposed development fails to comply with **THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015, AS AMENDED**, and the **LAWFUL DEVELOPMENT CERTIFICATE is REFUSED**.

Recommendation: Refuse Lawful Development Certificate

	Name/Signature	Date
Planning Officer	L Hankin	06.05.22
Principal Planner/ Manager	Richard Hart / R Hart	9 th May 2022

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Gravesham Borough Council