

Delegated Report

Lawful Development Certificate (Proposed)

Application no:	20230360
Location	82 Wilberforce Way Gravesend Kent DA12 5DH
Proposal:	Application for a Lawful Development Certificate in respect of the proposed demolition of existing garage and construction of new garage.
Applicant:	Mr Robert Hawkins
Site Visit	N/A Desktop Assessment

Plans & Documents

Application Form Dated 11/04/2023;
Drawing Number SM397.1 (Floor Plans, Elevations, Block Plan and OS Plan – Existing); and
Drawing Number SM397.3 (Floors Plans, Elevations and Block Plan – Proposed).

Property Type

82 Wilberforce Way is a two storey end of terraced dwellinghouse.

Material Consideration

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

Relevant Planning History

Reference	Description	Decision	Decision Date
20230361	Prior approval application for a single storey rear extension with a depth of 3.90 metres, maximum height of 3.65 metres and eaves height of 2.85 metres.	Prior Approval not Required	17.05.2023
20230030	Demolition of the existing garage and construction of new single storey rear extension with an attached garage	Refused	07.03.2023
20180392	Creation of a vehicular access and associated hardstanding area.	Permitted	02.08.2018
19632496	Garage	Permitted	27.09.1963

Planning History Note

It is important to note that this Lawful Development Certificate is being assessed independently and in isolation of the approved Prior Approval Larger Homes Application 20230361 and the extension is not shown on the plans received for this application.

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 E - The provision within the curtilage of the dwellinghouse of –

(a) any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure; or

(b) a container used for domestic heating purposes for the storage of oil or liquid petroleum gas.

E.1	Development is not permitted by Class E 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 total area of ground covered by building, enclosures and containers within the curtilage (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)	Any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse;	N
(d)	The building would have more than a single storey;	N
(e)	The height of the building, enclosure or container would exceed – (i) 4 metres in the case of a building with a dual-pitched roof, (ii) 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of dwellinghouse, or (iii) 3 metres in any other case;	N/A N 2.5m N/A
(f)	The height of the eaves of the building would exceed 2.5 metres;	N
(g)	The building, enclosure, pool or container would be situated within the curtilage of a listed building;	N
(h)	It would include the construction or provision of a verandah, balcony or raised platform;	N
(i)	It relates to a dwelling or a microwave antenna; or	N

(j)	The capacity of the container would exceed 3,500 litres	N
(k)	the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses)	N
E.2	In the case of any land within the curtilage of a dwellinghouse which is within – (a) An area of outstanding natural beauty; Development is not permitted by Class E if the total area of ground covered by buildings, enclosures, pools and containers situated more than 20 metres from any wall of the dwellinghouse would exceed 10 square metres.	N/A
E.3	In the case of any land within the curtilage of the dwellinghouse which is article 2(3) land, development is not permitted by Class E if any part of the building, enclosure, pool or container would be situated on land between a wall forming a side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse.	N/A

Incidental to the dwellinghouse

The plans show the outbuilding is to be used a garage. Therefore, the outbuilding is considered incidental to the enjoyment of the dwellinghouse.

Conclusion

The proposed development complies with Schedule 2, Part 1, Class E 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 Nina Goodbody	Team Leader:	Miss Faye Hobbs
Signed:	<i>N Goodbody</i>	Signed:	
Dated:	31st May 2023	Dated:	31 May 2023