

Delegated Report

Lawful Development Certificate (Proposed)

Application no:	20221004
Location	9 Thackeray Drive Northfleet Gravesend Kent
Proposal:	Application for a Lawful Development Certificate in respect of the proposed erection of a dormer in the rear roof slope and conversion of the roof space into habitable rooms.
Applicant:	Mr Luke Granger
Site Visit	N/A Desktop Assessment

Plans & Documents

Application Form

01 – Photographs and 3D Views

02 – Existing and Proposed Plans

Property Type

The property comprises a first-floor property above three garages, in a coachhouse style arrangement;



Material Consideration

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

Relevant Planning History

This site has a planning history which originally began with determinations by Gravesham Borough Council and eventually the Local Planning Authority for this area became Ebbsfleet Development Corporation. The history relevant to this development is laid out as follows:

Ebbsfleet Development Corporation

Reference	Description	Decision	Decision Date
EDC/16/0088	Application for the approval of reserved matters pursuant to outline planning permission reference number 20150155 being the development of land at Ebbsfleet for mixed use up to 789,550m ² gross floorspace comprising employment, residential, hotel and leisure uses, supporting retail and community facilities and provision of car parking, open space, roads and infrastructure: in respect of Phase 1B, incorporating changes to residential dwellings from 13 houses and 9 apartments to the erection of 13 houses and 10 apartments	Approved	19/01/2017
20150155	The development of land at Ebbsfleet for mixed use up to 789,550m ² gross floorspace comprising employment, residential, hotel and leisure uses, supporting retail and community facilities and provision of car parking, open space, roads and infrastructure and being for the variation/deletion of the following planning conditions of outline planning permission 20120186 (which itself was a variation of the original outline planning permission reference 19960035): D9 (affordable housing quantum), D10 (lifetime homes quantum), D15 (employment timing), F6 (Springhead highway improvement), G1 (pre-school nursery timing), G2 (primary school timing), G3 (health care provisions), G4 (family centre timing), G7 (local park timing), G8 (allotments), G9 (playing fields quantum), G10 (sports centre requirement), G11 (affordable housing timing), G12 (Lifetime Homes timing), G15 (adult education provisions) and G16 (recycling facility provisions).	Approved	24/02/2016

Gravesham Borough Council

Reference	Description	Decision	Decision Date
20120186	**APPLICANT'S OPTIONS FOR AMENDMENTS** Application to vary condition C7 (Development within Springhead Quarter) and condition C9 (Development within Northfleet Rise Quarter) in order to vary the floorspace limits and range of uses in the Springhead and Northfleet Rise Quarter; the merging of condition D11 (Mixed Development-Springhead Quarter) and condition D12 (Mixed Development-Northfleet Rise Quarter) in order to vary the balance and delivery of the thresholds of residential units, employment floorspace and open space provision relative to each other; and the consequent deletion of condition D12 (Mixed Development- Northfleet Rise Quarter) of the outline	Permitted subject to a Legal Agreement	28/08/2013

	planning permission reference number GR/1996/0035 for mixed use development up to 789,550sq metres of gross floorspace.		
20110606	Application for approval of the reserved matters pursuant to outline planning permission reference number 19960035 for mixed use development up to 789,550 square metres and being details of access, appearance, landscaping, layout and scale for phase 2A of Springhead Park for the erection of 123 dwellings with associated highway works, car parking, services, infrastructure and open space including play park and linear park.	Permitted	14/11/2011
19960035	The development of land for mixed use up to 789,550m2 gross floor space comprising employment, residential, hotel and leisure uses, supporting retail and community facilities and provision of car parking, open space, roads, and infrastructure.	Permitted	21/11/2002

It should be noted that in most cases Ebbsfleet Development Corporation will be the deciding Local Planning Authority for most applications on this site. One of the exceptions to this are decisions for Lawful Development Certificate applications which remains the responsibility of Gravesham Borough Council.

Officer Assessment

Permitted Developments Rights Restrictions

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

Permitted Development Rights Removed

Relevant to this application, condition 4 of the Ebbsfleet Development Corporation (EDC) planning approval EDC/16/0088 states:

Notwithstanding the provisions of Article 3 of and Part 1 Classes A, B, C, D and F of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or in any equivalent Class in any Order revoking or re-enacting that Order no enlargement, improvement or other alteration of the dwellings hereby permitted, including an addition or alteration to the roof or the construction of a porch outside any external door, shall be carried out without the prior written permission of the Local Planning Authority having first been obtained.

Reason: In view of the restricted size of many of the plots on this high density development and in order to maintain a good standard of design to ensure the proper planning of the area in accordance with Gravesham Core Strategy Policy CS19

Given that the proposal is to create a rear roof dormer with associated loft conversion, as per the condition above, planning permission should be sought for the works as the property does not benefit from permitted development rights. As this would be an application for householder planning consent, this application would need to be made with Ebbsfleet Development Corporation and **NOT** Gravesham Borough Council.

Neighbour Comment

It is noted that a comment was received from a member of the public. For applications for Lawful Development Certificates, *'Views expressed by third parties on the planning merits of the case, or on whether the applicant has any private rights to carry out the operation, use or activity in question, are irrelevant when determining the application.'*

Please see paragraph 8 of the guidance here: <https://www.gov.uk/guidance/lawful-development-certificates>

However, members of the public should note that where the applicant may submit an application for Planning Permission to the EDC, they will then have the opportunity to comment on the application to aid the officers assessment.

Recommendation: Refuse Lawful Development Certificate

Case Officer:	Ms Lisa Williams	Team Leader:	Miss Faye Hobbs
Signed:		Signed:	
Dated:	17th October 2022	Dated:	18 October 2022