

Delegated Report

Lawful Development Certificate (Proposed)

Application no:	20251110
Location	5 St Marks Avenue Northfleet Gravesend Kent
Proposal:	Application for a Proposed Lawful Development Certificate; Installation of dropped kerb and formation of driveway.
Applicant:	Mr Oleg Gorbarenko
Site Visit	03 March 2026

Plans & Documents

Application form for a Lawful Development Certificate for a Proposed Use or Development;
Red line site boundary plan (1:1250);
Proposed block plan received 13 January 2026;
Drawing no. 104 Rev C Existing and proposed ground floor layouts; and
Email from the applicant received 04 March 2026.

Superseded Plans & Documents

Proposed block plan received 10 December 2025.

Procedural issues

The application details contain drawing no. 104 Rev. C, which shows existing and proposed ground floor layouts. However, it is noted that the proposed development does not include any alterations to the building. In fact, the drawing is a copy of one of the approved drawings for planning permission reference 20211578. As such, the drawing forms no part of the following assessment.

Following a request from the case officer, the applicant confirmed that the proposal includes a new driveway, which would be constructed from stone paving slabs with a permeable sub-base and that a linear drain would be provided. As such, the description of the development was amended from 'Application for a Proposed Lawful Development Certificate; Installation of a dropped kerb' to that shown at the top of this report.

Property Type

The property comprises of a two storey, terraced dwelling with front and rear gardens.

Material Consideration

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

Relevant Planning History



Reference	Description	Decision	Decision Date
20211578	**REVISED DESCRIPTION AND REVISED PLANS** Erection of a single storey rear extension and retention of front porch extension.	Permitted	01.06.2022

Officer Assessment

Permitted Developments Rights Restrictions

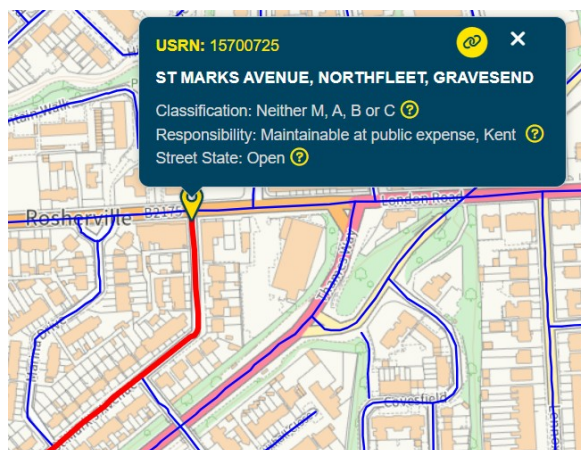
Article 2 (3) Land (AONB, Conservation Area)	N
Article 4 Direction	N
Permitted Development Rights Removed/Restricted	N

The proposal relates to the installation of a vehicle access. Therefore, the purpose of this assessment is to ascertain whether the proposed vehicular access would be lawful. In this regard Class B of Part 2 to Schedule 2 of the GPDO (2015) (as amended) is applicable, as is Class F of Part 1 Schedule 2 of the GPDO (2015) (as amended).

Class B of Part 2 to Schedule 2 of the General permitted Development Order states that development is permitted providing:

B. The formation, laying out and construction of a means of access to a highway which is not a trunk road or a classified road, where that access is required in connection with development permitted by any Class in this Schedule (other than by Class A of this Part).

The following image illustrates that St Marks Avenue is not a Trunk Road or a Classified Road. Therefore, it satisfies Class B of Part 2 to Schedule 2 of the General permitted Development Order.



Class B also requires the proposed access to be 'required in connection with development permitted by any Class in this Schedule (other than by Class A of this Part).'

Therefore, the submission will also be assessed Class F of the Schedule 2 Part 1 of the GPDO.

Class F - The provision within the curtilage of the dwellinghouse of hard surfaces incidental to the enjoyment of a dwellinghouse

Development consisting of -

- (a) the provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse as such; or
(b) the replacement in whole or in part of such a surface.

F.1	Development is not permitted by Class F 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 dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses)	N
F.2	Development is permitted by Class F subject to the condition that where	Y/N
(a)	The hard surface would be situated on land between a wall forming the principal elevation of the dwellinghouse and a highway, and	Y
(b)	The area of ground covered by the hard surface, or the area of hard surface replaced, would exceed 5 square metres,	Y
	Either the hard surface is made of porous materials, or provision is made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse.	Y*

* The applicant has advised that the proposed hard surface would be constructed from stone paving slabs with a permeable sub-base and that a linear drain would be provided.

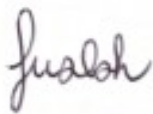
Other issues

The Highways Authority (Kent County Council (KCC)) provide guidance on the provision of dropped kerbs, the Residential Dropped Kerb Guidance and Self-Assessment (April 2025). This document sets out that, for a dropped kerb to be acceptable, various criteria must be met. Therefore, although the proposal would be permitted development, KCC may or may not allow the formation of the proposed dropped kerb. As such, it would be necessary for the applicant to contact KCC direct to discuss the access to the proposed parking area. The applicant can be made aware of this in an informative attached to the decision.

Conclusion

The proposed development complies with Schedule 2, Part 1, Class F and Schedule 2, Part 2, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, and as such, a Lawful Development Certificate can be granted.

Recommendation: Grant Lawful Development Certificate

Case Officer:	Mrs Kelly Joyce	Team Leader:	Mrs Faye Walsh
Signed:		Signed:	
Dated:	5th March 2026	Dated:	05 March 2026

