

Delegated Report

Lawful Development Certificate (Proposed)

Application no:	20230604
Location	26 Telegraph Hill Higham Rochester Kent
Proposal:	Application for a Lawful Development Certificate in respect of the proposed replacement of sun room on the same footprint, raising the roof pitch and two windows enlarged on the rear elevation including a Juliet balcony.
Applicant:	Mr. and Mrs. Parmdip and Moira Malait
Site Visit	N/A Desktop Assessment

Procedural Matters

The plans include boundary treatment alterations to the front of the site, however this does not form part of this application assessment. For the avoidance of doubt the following shall be assessed under this application:

- Removal of two small windows in the front elevation at ground floor level
- Enlargement of windows at first floor level in the rear elevation and installation of two Juliet Balconies
- Replacement of existing sun room located to the side of the property with a single storey side extension

Plans & Documents

Application Form Dated 02/06/2023;
 Supplementary Information – Evidence to Verify Application;
 Site Location Plan – Received 05/06/2023;
 Block Plan – Received 05/06/2023;
 Drawing Number 26TH07/EX (Front and Rear Elevations – Existing);
 Drawing Number 26TH07/PR (Front and Rear Elevation – Proposed);
 Drawing Number 26TH04/EX (Front Elevation – Existing);
 Drawing Number 26TH04/PR (Front Elevation – Proposed);
 Drawing Number 26TH01/EX (Ground Floor Plan – Existing);
 Drawing Number 26TH01/PR (Ground Floor Plan – Proposed);
 Drawing Number 26TH05EX (Rear Elevation – Existing)
 Drawing Number 26TH05/PR (Rear Elevation – Proposed);
 Drawing Number 26TH02/EX (Roof Plan – Existing);
 Drawing Number 26TH02/PR (Roof Plan – Proposed);
 Drawing Number 26TH06/EX (Side Elevations – Existing);
 Drawing Number 26TH06/PR (Side Elevations – Proposed);
 Drawing Number 26TH02/EX (Site Plan – Existing); and
 Drawing Number 26TH02/PR (Site Plan – Proposed).

Plan Note

An existing and proposed block plan showing the entirety of the site and surrounding area is a requirement as per the validation checklist and should be provided for future applications. However, in this instance there is considered to be sufficient information to assess the application and as such additional plans have not been sought.

Property Type

26 Telegraph Hill is a two storey detached dwellinghouse.

Material Consideration

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

Relevant Planning History

Reference	Description	Decision	Decision Date
20120150	Erection of side extension with dormer window in front roof slope to form kitchen/diner at ground floor level with a bedroom in the roof space.	Permitted	10.04.2012
20091017	Erection of side extension with dormer windows in front and rear roof slopes to form TV room at lower ground floor level, kitchen and garage at ground floor level with a bedroom in the roof space.	Permitted	19.02.2010
20090343	Erection of part two and part single storey extension on the southern side elevation, incorporating enlargement of the existing front and rear dormer extensions, to form garden room at lower ground floor level, double garage, enlarged kitchen and balcony at ground floor level and bedroom and ensuite bathroom in the proposed roof space.	Refused	26.06.2009
19860133	Erection of three storey side extension to form games room at lower ground floor level double garage breakfast room utility room and balcony at ground floor level with lounge and ensuite bathroom at first floor level	Permitted	28.04.1986
19840605	Construction of dormer extension in front and rear roof slopes to form two bedrooms with en suite bathrooms	Permitted	28.09.1984

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 A - The enlargement, improvement or other alteration of a dwellinghouse

A.1	Development is not permitted by Class A if –	Y/N
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(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)	as a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (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)	the height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse	N
(d)	the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse	N
(e)	the enlarged part of the dwellinghouse would extend beyond a wall which –	
	(i) forms the principal elevation of the original dwellinghouse; or (ii) fronts a highway and forms a side elevation of the original dwellinghouse	N N
(f)	subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and - (i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or (ii) exceed 4 metres in height	N/A
(g)	for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and - (i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or (ii) exceed 4 metres in height;	N/A
(h)	the enlarged part of the dwellinghouse would have more than a single storey and – (i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or (ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse being enlarged which is opposite the rear wall of that dwellinghouse;	N/A
(i)	the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres	N Over 2.00m away
(j)	the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would – (i) exceed 4 metres in height,	N 3.65m (with consideration to the Governments

	(ii) have more than a single storey, or (iii) have a width greater than half the width of the original dwelling; or	Technical Guidance definition of height) N N
(ja)	any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (e) to (j);	N
(k)	it would consist of or include – (i) the construction or provision of a verandah, balcony or raised platform, (ii) the installation, alteration or replacement of a microwave antenna, (iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or (iv) an alteration to any part of the roof of the dwellinghouse	N (Juliet Balcony) N N N
(l)	the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses)	N
A.2	In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if –	Y/N
(a)	it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;	N/A
(b)	the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or	N/A
(c)	the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse.	N/A
(d)	any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (b) and (c).	N/A
A.3	Development is permitted by Class A subject to the following conditions –	Y/N
(a)	the materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;	Y

(b)	any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be – (i) obscure-glazed, and (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and	N/A
(c)	where the enlarged part of the dwellinghouse has more than a single storey, or forms an upper storey on an existing enlargement of the original dwellinghouse, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.	N/A

Conclusion

The proposed development complies with Schedule 2, Part 1, Class A 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 Lucy Hankin	Team Leader:	Miss Faye Hobbs
Signed:	L Hankin	Signed:	
Dated:	12 th July 2023	Dated:	13 July 2023