

Delegated Report

Lawful Development Certificate (Proposed)

Application no:	20211099
Location	66 Milton Hall Road Gravesend Kent DA12 1QW
Proposal:	Application for Lawful Development Certificate for proposed vehicular access to driveway and garage.
Applicant:	Mr Dmitrijus Zaturskis
Site Visit	N/A Desktop Assessment

Plans & Documents

Application form received 6 September 2021.
 Drawing no. 003 rev B (proposed driveway plan) received 3 November 2021.
 Drawing no. 001 (existing front garden plan) received 3 November 2021.
 Drawing no. 002 rev B (existing elevation, section and site plan) received 3 November 2021.

Property Type

The property comprises a detached chalet bungalow with an existing driveway.

Material Consideration

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

Relevant Planning History

20070794	Extension of roof at both ends to form gable ends; construction of dormer extension in side roof slope and conversion of roof space into two bedrooms and bathroom/wc.	PER	10.10.2007
20060733	Extension of roof to form gable ends; construction of dormer window in southern side roof slope and conversion of roof space into two bedrooms and bathroom/wc.	PER	19.10.2006

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 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, a drain is shown on the driveway plans.

Class B of Part 2 to Schedule 2 of the GPDO allows the formation, laying out and construction of a means of access to a highway that is not a trunk road or a classified road, where that access is required in connection with development permitted by any Class in within Schedule 2 (other than by Class A of Part 2) of the GPDO.

Milton Hall Road is not a *trunk road* or a *classified road*,

In addition to the above criteria, the creation of a vehicular access does not:

- a) Cross land that is not part of the curtilage/owned by the applicant, with the exception of 'Highway Land', or that some other "change of use" of land is involved;
- b) Require significant engineering works, such as changes to ground levels or building of structures;

The proposal is not creating the dropped kerb/access onto a trunk road or a classified road and the dropped kerb/access is required in connection with another form of development permitted by Class F above (extension to paved area). Permission is therefore unlikely to be required.

Conclusion

The proposed alterations therefore falls within Schedule 2, Part 1, Class F and *Part 2, Class B* of The Town and Country Planning (General Permitted Development) (England) Order 2015. A Lawful Development Certificate can be granted.

Recommendation: Grant Lawful Development Certificate		
	Name/Signature	Date
Planning Officer		3 November 2021.
Principal Planner/ Manager		03 November 2021