



Delegated Report

Lawful Development Certificate (Proposed)

Application no:	20230652
Location	38 St Johns Road Higham Rochester Kent
Proposal:	Erection of a single storey rear extension.
Applicant:	Mr Nigel Doyle
Site Visit	N/A Desktop Assessment

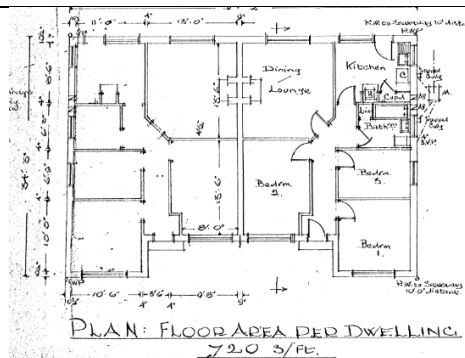
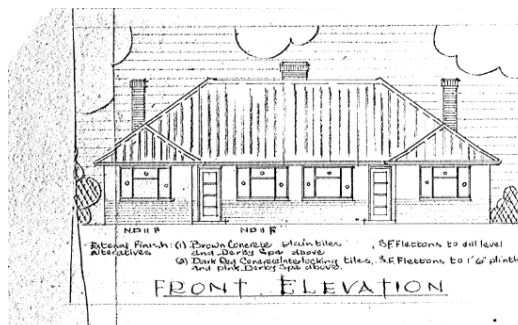
Procedural Matters

During the validation process it was noted that the proposal was for a single storey rear/side extension. This was apparent due to the implementation of a previous planning approval (*reference number 19780303 - Erection of a single storey extension to form an enlarged kitchen at the side*). As such, the agent was asked to confirm if they would accept a slight description change to '*Erection of a single storey rear/side extension*', (to reflect that the proposal would extend beyond a wall forming a side elevation of the **original dwellinghouse**). The agent declined the description change, however the Local Planning Authority consider the description incorporating the side element to be correct and the application shall be assessed as such below.

Google Aerial Images



Plans Provided with previous application TH/6/56/72A (19561078)



The side extension and rear conservatory are not part of the original dwelling as indicated on the above plans and as apparent from the aerial images.

Plans & Documents

Application Form;
Block Plan – Existing (received on 16.06.23);
Block Plan – Proposed (received on 16.06.23);
Location Plan (received on 16.06.23); and
Elevations and Floor Plans – Existing and Proposed (received on 16.06.23).

Property Type

38 St Johns Road is a semi detached bungalow.

Material Consideration

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

Relevant Planning History

Reference	Description	Decision	Decision Date
19780303	Erection of a single storey extension to form an enlarged kitchen at the side	Permitted	04.05.1978
TH/6/56/72A (19561078)	Layout of roads and sewers and erection of 2 houses (Type D), 1 house (Type D (detached)), 4 houses (Type d(i)), 4 bungalows (Type A), 12 bungalows (Type B) and 3 bungalows (Type C)	Approval of Details	10.07.1957

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
(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	Y See below
(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/A
(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 3.00m N 2.84m
(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 2.84m
(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, (ii) have more than a single storey, or (iii) have a width greater than half the width of the original dwelling; or	N 2.84m N Y 6.12m See below
(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);	Y See below
(k)	it would consist of or include –	N

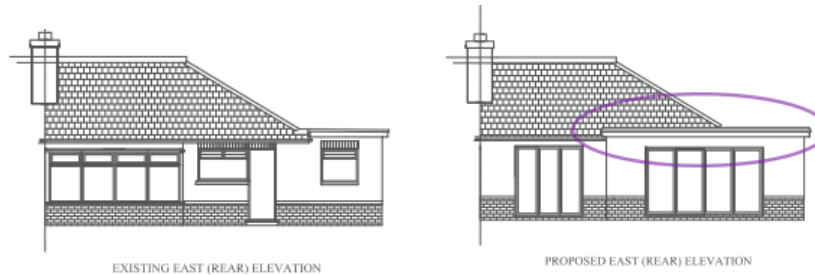
	(i) the construction or provision of a verandah, balcony or raised platform,	N
	(ii) the installation, alteration or replacement of a microwave antenna,	N
	(iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or	N
	(iv) an alteration to any part of the roof of the dwellinghouse	
(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 As per Application Form
(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 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

Officer Analysis

The application fails to comply with Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) (as amended). The eaves would exceed the height of the eaves of the existing

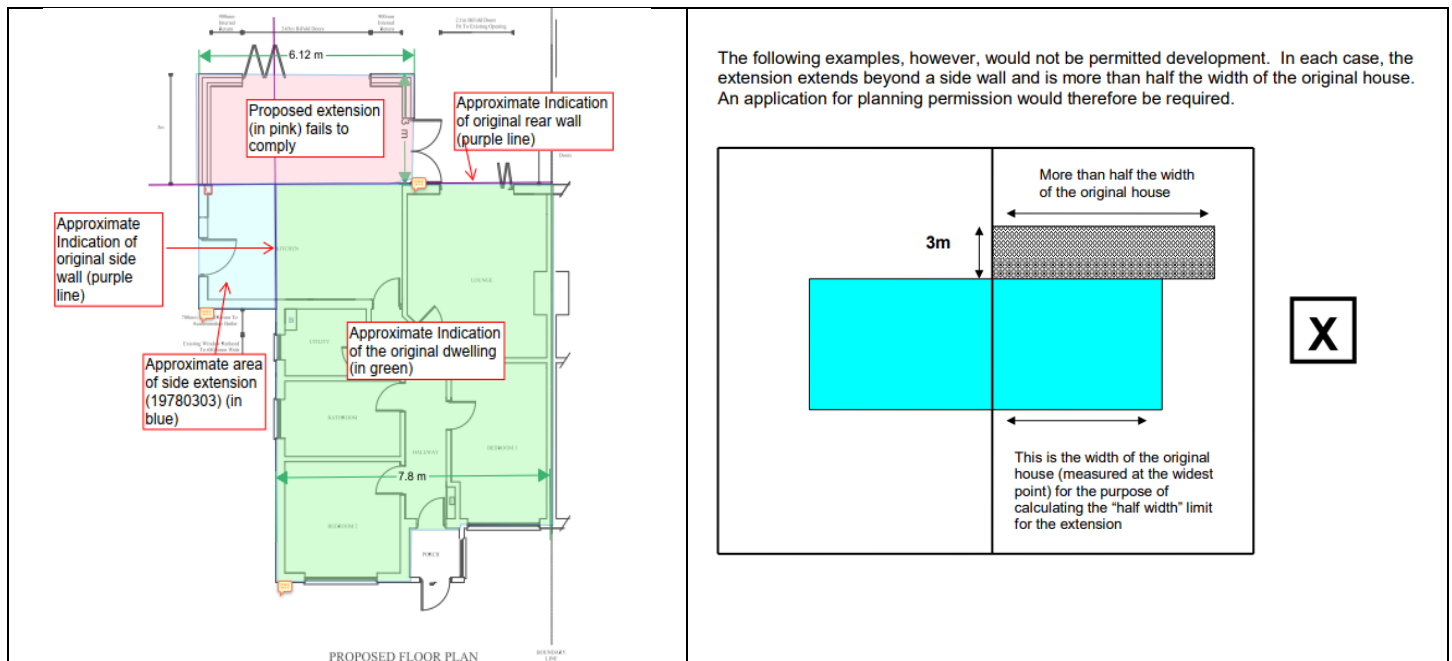
dwellinghouse and as such fails to comply with A.1(d). It is noted that the dwelling has differing eaves heights due to a previous extension, however, as per the Government Technical Guidance:

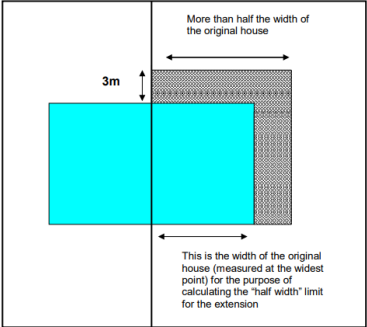
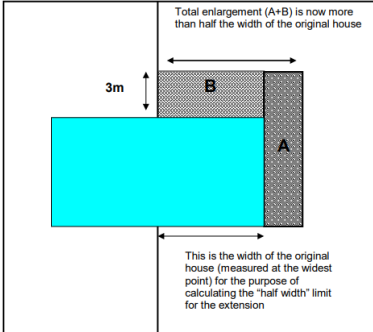
Where the existing house has eaves of different heights, then the restriction on the height of the eaves for the part of the house enlarged, improved or altered is measured against the highest level of eaves on the existing house. However, where a house is built on



As demonstrated above, the proposal fails to adhere to the requirements of A.1 (d).

In addition, the proposal fails to comply with A.1 (j)(iii) and A.1 (ja) because the extension would be greater than half the width of the original dwellinghouse, and the total enlargement would exceed the limits set out in (e) to (j). The GPDO (2015) (as amended) requires the proposal to be within the parameters of the order whilst taking note of the original dwellinghouse. The extent of the original dwelling house has been ascertained above, within the preliminary matters section of this report and is also highlighted visually below. As per the GPDO (2015) (as amended) along with the Government Technical Guidance, the proposal fails to comply with the order:



	In some situations it may be that development is undertaken in separate stages. For example, a side extension may be built first, and then a rear extension added at a later date. In this case, under paragraph (ja) (see page 28) the size of the total enlargement (being the proposed extension together with the previous extension to which it will be joined) will be taken into account. For example:  In the example above, if the side extension A was built first, it would meet the requirement for being no more than half of the width of the original house. However, the later addition of the rear extension B would mean that the total width of A + B at the widest point would be more than half the width of the house. The rear extension would therefore require an application for planning permission.
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As set out above, the application fails to comply with Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) (as amended) and Planning Permission would be required for the development.

Conclusion

The application fails to comply with Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) (as amended). The eaves would exceed the height of the eaves of the existing dwellinghouse, the extension would be greater than half the width of the original dwellinghouse and the total enlargement would exceed the limits set out in (e) to (j). As such the proposal fails to comply with A.1(d), A.1(j)(iii) and A.1 (ja).

Recommendation: Refuse Lawful Development Certificate

Case Officer:	Mrs Lucy Hankin	Team Leader:	Miss Faye Hobbs
Signed:	L Hankin	Signed:	
Dated:	2 nd August 2023	Dated:	03 August 2023