

Delegated Report

Lawful Development Certificate (Proposed)

Application no:	20230915
Location	40 Springhead Road Northfleet Gravesend Kent
Proposal:	Application for a Proposed Lawful Development Certificate in respect of a gable roof extension with rear dormer to incorporate a loft conversion with 2 roof lights to the front roof slope and two windows to the side elevation with obscure glazing; removal of chimney stack.
Applicant:	Miss Martine Fante
Site Visit	N/A Desktop Assessment

Plans & Documents

Application Form Dated 25/08/2023;
 Drawing Number SH-01 (Site Location Plan);
 Drawing Number SH-06 (Rear Elevation with Section AA – Existing);
 Drawing Number A-05 (Elevations – Existing);
 Drawing Number A-03 (Floor Plans – Existing);
 Drawing Number A-04 (Loft Floor Plan and Roof Plan – Existing);
 Drawing Number A-02 (Block Plan – Existing);
 Drawing Number A-07 (elevations – Proposed);
 Drawing Number A-06 (Floor Plans and Roof Plan – Proposed); and
 Drawing Number A-08 (Block Plan – Proposed).

Property Type

40 Springhead Road is a two storey semi detached dwellinghouse.

Material Consideration

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

Relevant Planning History

Reference	Description	Decision	Decision Date
20230747	Demolition of side garage and erection of single storey side and rear extension with new shower rooms and conversion of roof space for 2 additional loft bedrooms.	Permitted	11.10.2023
20230380	Demolition of existing conservatory and single storey rear extension and erection of a single storey side/rear	Refused	19.06.2023

	extension and a two storey rear extension. Roof alterations to facilitate a gable style roof, erection of a dormer in the rear roof slope, installation of rooflights in front roofslope and conversion of the roofspace to form habitable rooms. Erection of an outbuilding in the rear garden and extension of the front light well.		
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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 B - The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.

1, Original Roof Volume (m ³)	N/A
2. Existing Roof Extensions (m ³)	N/A
Remaining Roof Volume (m ³)	N/A No previous roof works have been undertaken. 50m ³ roof volume remains.

B.1	Development is not permitted by Class B 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)	Any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;	N
(c)	Any part of the dwellinghouse would, as a result of the works, extend, beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway;	N
(d)	The cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than – (i) 40 cubic metres in the case of a terrace house, or (ii) 50 cubic metres in any other case;	N/A N 45.69m ³
(e)	It would consist of or include – the construction or provision of a verandah, balcony or raised platform or the installation, alteration or replacement of a chimney, flue or soil and vent pipe; or	N Y See Class G
(f)	The dwellinghouse is on article 2 (3) land	N

B.2	Development is permitted by Class B subject to the following conditions –	Y/N
(a)	The materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;	Y
(b)	The enlargement must be constructed so that – (i) other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side – extension (aa) the eaves of the original roof are maintained or reinstated; and (bb) the edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge of the eaves; and (ii) other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwelling house; and	N* Y Y
(c)	Any window inserted on 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.	Y Y

Class C - Any other alteration to the roof of a dwellinghouse.

C.1	Development is not permitted by Class C if -	Y/N
(a)	permission to use the dwelling 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 alteration would protrude more than 0.15 metres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof;	N
(c)	it would result in the highest part of the alteration being higher than the highest part of the original roof;	N
(d)	it would consist of or include – (i) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or (ii) the installation, alteration or replacement of solar photovoltaics or solar thermal equipment.	Y See Class G N

C.2	Development is permitted by Class C subject to the condition that any window located on a roof slope forming a side elevation of the dwellinghouse must be-	
	(a) obscure-glazed; and	Y
	(b) 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.	Y

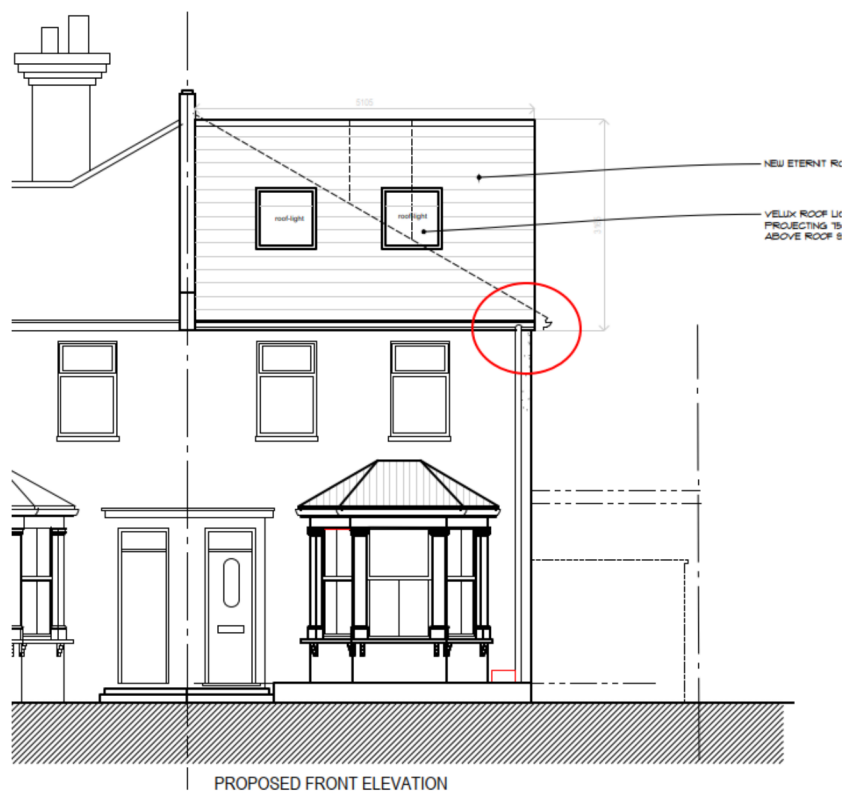
Class G – chimneys, flues etc on a dwellinghouse

The installation, alteration or replacement of a chimney, flue or soil and vent pipe on a dwellinghouse.

G.1	Development is not permitted by Class G if –	G.1
(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 height of the chimney, flue or soil and vent pipe would exceed the highest part of the roof by 1 metre or more; or	N
(c)	In the case of a dwellinghouse on article 2(3) land, the chimney, flue or soil and vent pipe would be installed on a wall or roof slope which	
	(i) fronts a highway, and	N/A
	(ii) forms either the principal elevation or a side elevation of the dwellinghouse.	N/A
(d)	the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses)	N

***Assessment Note on Removal of Eaves**

As shown below, the plans indicate that the original eaves are proposed to be removed and will not be reinstated. As such, the application does not comply with Class B.2 (b)(i)(aa) and therefore cannot be considered to be permitted development.



Conclusion

Under Class B.2 (b)(i)(aa) the hip to gable extension would require the removal of the original eaves which are not proposed to be reinstated.

Therefore, the proposed development fails to comply with Class B.2 (b)(i)(aa) under **THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015, AS AMENDED**, and the **LAWFUL DEVELOPMENT CERTIFICATE** is **REFUSED**.

Recommendation: Refuse Lawful Development Certificate

Case Officer:	Mrs Nina Goodbody	Team Leader:	Miss Faye Hobbs
Signed:		Signed:	
Dated:	18th October 2023	Dated:	20 October 2023