



Delegated Report

Lawful Development Certificate (Proposed)

Application no:	20220535
Location	35 Nursery Grove Gravesend Kent DA11 7BB
Proposal:	Application for a Lawful Development Certificate in respect of the proposed construction of a rear dormer in the rear roof slope and 3no. roof lights in the front roof slope.
Applicant:	Mr Lee Alford
Site Visit	Desktop Assessment

Plans & Documents

Application Form;
Drawing No. 1365-08 – Site Location Plan;
Drawing No. 1365-08 – Block Plan – Existing;
Drawing No. 1365-09 – Block Plan – Proposed; and
Elevations and Floor Plans- Existing and Proposed – All Plans.

Property Type

35 Nursery Grove is a two storey terraced dwellinghouse.

Material Consideration

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

Relevant Planning History

Application No.	Description	Status	Decision
20060337	Details relating to the siting, design, external appearance and landscaping for phase 1 of the development.	Approval of Details	07.08.2007

Officer Assessment

Permitted Developments Rights Restrictions

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

Application 20060337, 'Details relating to the siting, design, external appearance and landscaping for phase 1 of the development' restricts permitted development rights for the property as shown below under condition 2:

2. Notwithstanding the provisions of Article 3 of and Part 1 Classes A, B and D of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 as amended, no enlargement, improvement or other alteration of the dwellings hereby permitted within the first Phase of development, including an addition or alteration to the roof or the construction of a porch outside any external door shall be carried out without the prior written permission of the Local Planning Authority having first been obtained.

The reason for this condition is:

2. In the view of the restricted size of many of the plots on this estate and in order to maintain a good standard of design to ensure the proper planning of the area.

Whilst the above condition relates to the 1995 GPDO it is clear using Dunnett Investments Limited [2017] EWCA Civ 192 and Trump International Golf Club Scotland Limited v Scottish Ministers [2015] UKSC 74 case law that the above condition is sufficiently clear to exclude the operation of Classes A, B and D from Article 3 of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 (as Amended) and to prevent any enlargement, improvement or other alterations to the dwelling without the prior written permission of the Local Planning Authority having first been obtained.

Conclusion

The proposed development does not meet the criteria found within the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended. This is because permitted development rights have been removed for classes A, B and D under application 20060337 which removes the rights to enlarge, improve or otherwise alter the dwelling including an addition or alteration to the roof or construction of a porch. As the above condition removes the applicant's right to carry out the said development under permitted development rights, the Lawful Development Certificate is refused and planning permission is required.

Recommendation: Refuse Lawful Development Certificate

Case Officer:	Mrs Lucy Hankin	Team Leader:	Richard Hart
Signed:	L Hankin	Signed:	<i>R Hart</i>
Dated:	13th June 2022	Dated:	13 th June 2022