

Delegated Report

Lawful Development Certificate (Proposed)

Application no:	20240585
Location	Tanners Grange Tanyard Hill Shorne Gravesend
Proposal:	Application for a Proposed Lawful Development Certificate in respect of erection of a single storey rear extension.
Applicant:	Mr and Mrs Grist
Site Visit	N/A Desktop Assessment

Plans & Documents

Application form for a Lawful Development Certificate for a Proposed Use or Development;
 Drawing no. 4639_100 Existing block plan and site location plan;
 Drawing no. 4639_101 Existing ground floor layout;
 Drawing no. 4639_102 Existing first floor layout;
 Drawing no. 4639_103 Existing north and east elevations;
 Drawing no. 4639_104 Existing south and west elevations;
 Drawing no. 4639_105 Proposed ground floor layout;
 Drawing no. 4639_106 Proposed first floor layout;
 Drawing no. 4639_107 Proposed north and east elevations;
 Drawing no. 4639_108 Proposed south and west elevations;
 Drawing no. 4639_109 Proposed block plan; and
 Design and Access Statement January 2024.

Property Type

The property comprises of a detached, two storey dwelling set in a large plot.

Material Consideration

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

Relevant Planning History

Reference	Description	Decision	Decision Date
20240069	Prior approval application for a single storey rear extension with a depth of 8.00 metres, maximum height of 2.60 metres and eaves height of 3.00 metres.	Prior Approval Refused	07.03.2024
20240068	Application for a Proposed Lawful Development Certificate in respect of erection of part two storey and part single storey rear extension and single storey side	Certificate Refused	16.05.2024

	extension.		
20221097	Application for a Lawful Development Certificate in respect of the proposed erection of a two storey rear extension.	Certificate Refused	06.12.2022
20220869	Application for a Lawful Development Certificate in respect of the proposed erection of a single storey rear extension.	Certificate Granted	30.09.2022
20220868	Application for a Lawful Development Certificate in respect of the proposed erection of a two storey rear extension.	Certificate Refused	30.09.2022
20220551	Application for a Lawful Development Certificate in respect of the proposed erection of a two storey side extension.	Certificate Refused	26.07.2022
20220116	Erection of a double storey side extension creating sitting room, study, lobby and utility room on ground floor and one extended bedroom, ensuite and dressing room on the first floor	Refused	01.04.2022
20210451	Retention of barn.	Permitted	04.06.2021
20201328	Application for a Lawful Development Certificate in respect of the continued use of a portion of adjacent land to Tanners Grange as residential curtilage.	Certificate Granted	31.03.2021
19980303	Application for a Lawful Development Certificate in respect of the proposed construction of a swimming pool and enclosure.	Certificate Granted	15.06.1998
19970171	Construction of a bay window on ground floor west elevation, in substitution of that approved under planning permission reference number GR/96/473.	Permitted	01.05.1997
19960473	**AMENDED APPLICATION/REVISED DESCRIPTION** Erection of first floor extension on the west side elevation to form two bedrooms, bathroom and an ensuite bathroom; erection of a porch and covered way at the rear with balcony over; conversion of existing integral garage into a kitchen involving demolition of the front part of the garage and erection of a bay window; and erection of a two storey front extension to form enlarged entrance hall and covered entrance porch with bay window at first floor level.	Permitted	20.12.1996
19840748	Erection of stable block with ancillary tack room and bay store	Permitted	12.11.1984
19800849	Demolition of existing stables on the west side of the building and the erection of a single storey extension to provide lounge bedroom and bathroom erection of an extension at the rear of the existing garage on the east side of the building to form a kitchen and the erection of a first floor extension over the existing garage & proposed kitchen to provide three additional bedrooms, together with the erection of a porch at the front.	Permitted	23.12.1980

There is no statutory requirement to undertake consultations on lawful development certificate applications. However, representations have been received from Shorne Parish Council. These are set out as follows;

Shorne Parish Council

The application is for an 8m deep, square profiled, flat roofed single storey extension behind the rear wall position of the original building.

As such, it might conform to present permitted development.

However, the proposal will further increase the floor area and is in combination with other previously permitted rear extensions:

- 1) This property has been subject to a considerable number of planning applications, and we consider that the main house and the overall property are being over-developed.
- 2) The Parish Council has on several occasions previously requested that permitted development rights for the whole site should be withdrawn, and it is disappointing that these requests were not actioned by GBC.
- 3) The floor area of the original dwelling appears to have been only about 100sqm, and the house has already been extended very considerably beyond the one-third rule.
- 4) Other built forms have also been constructed on the property (pool house, stables, residential accommodation over garage without planning permission, barn/office building with retrospective planning permission), the area of all of which should also be taken into account.

Officer Assessment

Permitted Developments Rights Restrictions

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

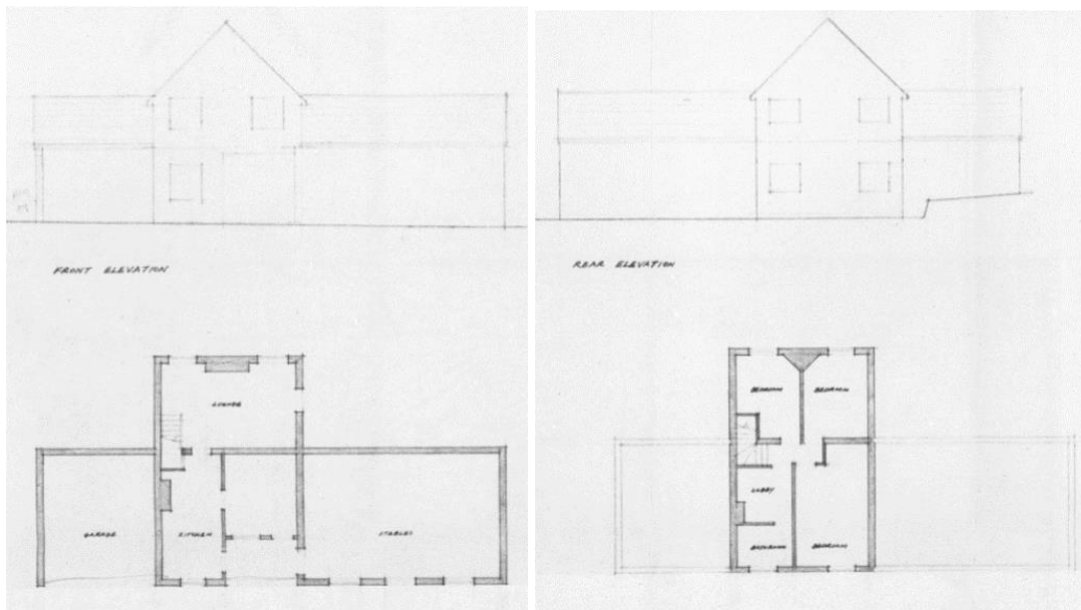
Class A - The enlargement, improvement or other alteration of a dwellinghouse

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	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

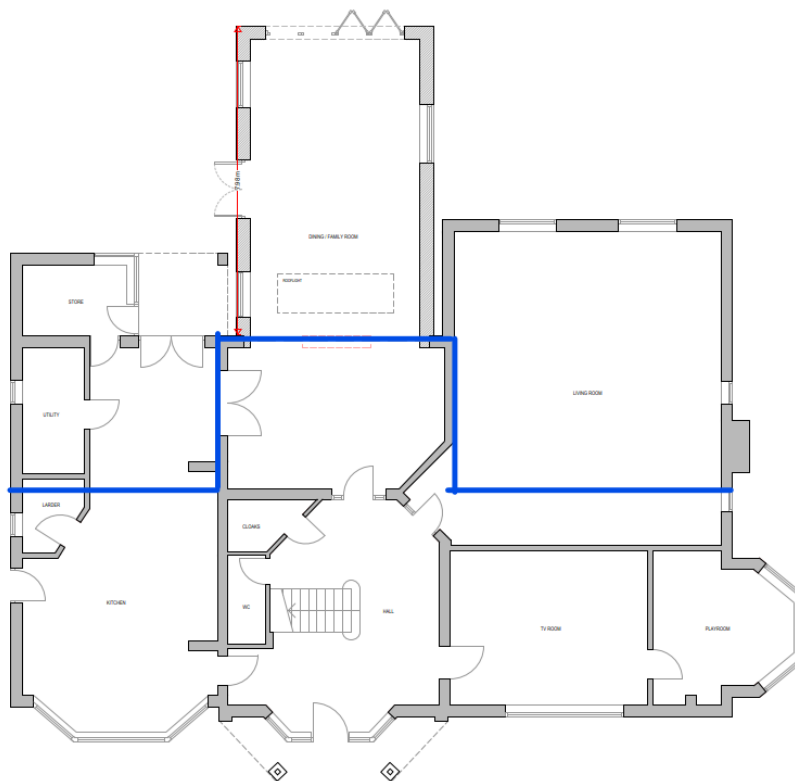
(f)	subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and - (i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or (ii) exceed 4 metres in height	Y* (8m) N (3m)
(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* (8m) N (3m)
(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
(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/A
(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, the installation, alteration or replacement of a microwave antenna, (ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or (iii) an alteration to any part of the roof of the dwellinghouse	N 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

* The original dwelling at the application site is the building as shown in the existing drawings for planning application reference 19800849. Extracts from these are shown below;



The original rear elevation of the application property is shown in blue on the following annotated copies of the proposed ground floor layout plan (drawing no. 4639_105);



It is noted that development under Class A, which exceeds the limits set out in paragraph A.1(f) but is allowed by paragraph A.1(g) is only permitted development if prior approval has been applied for and determined by the Local Planning Authority (pursuant to paragraph A.4 of Class A, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)). In this instance, no prior approval application has been made and as such, the proposal does not comply with paragraph A.4.

Conclusion

The proposed development would be contrary to the criteria set out in paragraph A.4 of Class A, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). As such, the proposal would not benefit from permitted development rights and would require planning permission. Therefore, the lawful development certificate is refused.

The comments of Shorne Parish Council are noted but cannot be taken into account in the determination of this application.

It should be noted that the proposed block plan (drawing no. 4639_109) shows a proposed L-shaped side extension. However, that extension is not part of the current proposal and as such, has been disregarded. An informative on the decision can highlight this.

Recommendation: Refuse Lawful Development Certificate

Case Officer:	Mrs Kelly Joyce	Team Leader:	Richard Hart
----------------------	-----------------	---------------------	--------------

Signed:	<i>K Joyce</i>	Signed:	<i>R Hart</i>
Dated:	29th August 2024	Dated:	29th August 2024