

Delegated Report

Lawful Development Certificate (Proposed)

Application no:	20220973
Location	46 Struttons Avenue Northfleet Gravesend Kent
Proposal:	Application for a Lawful Development Certificate in respect of the proposed erection of a rear dormer with Juliet balcony, hip to gable roof alterations and conversion of the roofspace to form habitable rooms.
Applicant:	Mr Mariusz Maciejko
Site Visit	N/A

Preliminary Matters

The agent was emailed 11.10.22 in order to query whether the proposed window located in the new gable end roof was intended to comply with the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.



Any window located on a roof slope forming a side elevation must be obscure glazed and 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.

On 14.10.22 the agent confirmed that the window will comply with the Permitted Development criteria.

Plans & Documents

Application Form;
 Supplementary Information – Email from agent confirming the window in the side elevation will comply with Permitted Development rules (received 14.10.22);
 Drawing no. LP 01 REV A – Site Location Plan;
 Drawing No. BP 02 REV A – Block Plan;
 3D Views – Existing (received 02.09.22);
 3D Views – Proposed (received 02.09.22);
 Block Plan – Existing (received 02.09.22);
 Block Plan – Proposed (received 02.09.22);

Floor Plans – Existing (received 02.09.22);
 Floor Plans – Proposed (received 02.09.22);
 Front and Rear Elevations – Existing (received 02.09.22);
 Front and Rear Elevations – Proposed (received 02.09.22);
 Loft and Roof Plan – Existing (received 02.09.22);
 Loft Plan and Roof Plan – Proposed (received 02.09.22);
 Section A-A – Existing (received 02.09.22);
 Section A-A – Proposed (received 02.09.22);
 Side Elevations – Existing (received 02.09.22); and
 Side Elevations – Proposed (received 02.09.22).

Property Type

46 Struttons Avenue is a two storey semi-detached property.

Material Consideration

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

Relevant Planning History

Reference	Description	Decision	Decision Date
20181275	Application for a Lawful Development Certificate in respect of the proposed single storey rear extension.	Certificate Granted	31.01.2019

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.

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	N/A

	(ii) 50 cubic metres in any other case;	N 37.39m 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 (Juliet Balcony) 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	Y Y 0.40m N It does not
(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.	N/A in Dormer, see Class C

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.	N/A
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 (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 Y (Confirmed by email 14.10.2022)

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 Chimney removal
(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 (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

Conclusion

The proposed development complies with Schedule 2, Part 1, Classes B, C and G of **THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015, AS AMENDED**, and the **LAWFUL DEVELOPMENT CERTIFICATE** is GRANTED.

Recommendation: Grant Lawful Development Certificate

Case Officer:	Mrs Lucy Hankin	Team Leader:	Miss Faye Hobbs
Signed:	L Hankin	Signed:	
Dated:	21 st October 2022	Dated:	21 October 2022