



Delegated Report

Lawful Development Certificate (Proposed)

Application no:	20220788
Location	Shorne Mead Pear Tree Lane Shorne Gravesend
Proposal:	Single storey rear extension with a depth of 8.00 metres, maximum height of 3.75 metres and eaves height of 2.35 metres.
Applicant:	Mr And Mrs Coward

Plans & Documents

Application form
Planning Statement
Drawing no. 3262-010 rev D (proposed plans)
Drawing no. 3262-003 rev B (site location and block plan)

Property Type

The property comprises a two storey detached dwelling.

Material Consideration

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

Consultees

Shorne Parish Council

This application is a resubmission of previously refused application ref 20220593, with the extension depth corrected, the width remains unchanged.

The Parish Council continues to have significant concerns about this application, as previously submitted:

Previous extensions and outbuildings:

The house has previously been considerably extended, the floor area has been increased by approaching 100%. This greatly exceeds the "one third rule" under local Green Belt policies. In addition there has been extension and residential conversion of the garage building, plus the retrospective application ref 20220543 also includes several more outbuildings.

Overdevelopment:

Overall, especially when considered together with the massive engineering works that have been undertaken on the site without prior planning permission, we consider that the site is being seriously overdeveloped in a way that is harmful to the Green Belt and the local landscape.

In addition, we note that the application again includes a front infill and side extension, which the previous officer report stated should not be included in this kind of application. The proposed side extension does not show subsidiarity.

Neighbours

As this is an application for prior notification individual consultation letters have been sent to two properties. No letters of representation have been received.

Relevant Planning History

20220593	Single storey rear extension with a depth of 8.00 metres, maximum height of 3.75 metres and eaves height of 2.35 metres.	Refused	12.07.2022
20220543	Proposed engineering works to rear garden creating retaining walls to sloping site.	Permitted	20.07.2022
20220543	Proposed engineering works to rear garden creating retaining walls to sloping site.	Pending Consideration	
20181314	**REVISED PLAN** Alterations to existing garage to provide garage and annex accommodation incorporating increase in roof height, two dormer windows in the front roof slope and Juliette balcony on the north-west elevation to provide for ancillary accommodation, including a garden room with tea point at	Permitted	27.02.2019

	ground level and gym and games room accommodation above		
20170496	Demolition of existing garage and erection of a detached two storey annex and garage incorporating a dormer window in the front roof slope and juliette balconies on the north-west and south-east elevations.	Refused	20.03.2018
20140811	Construction of a new roof over existing garage incorporating an increase in the height of the building, two dormer windows in the front roof slope and a juliet balcony on the north-west side elevation to provide for gym, games room and w.c./changing facilities in the proposed roof space.	Permitted	14.10.2014
20060164	Erection of single storey rear infill extension to form enlarged kitchen/diner.	Permitted	07.04.2006
19970317	Construction of new pitched roofs over existing garages/boat port, incorporating dormer window in proposed front roof slope and infilling of central boat port to form garage.	Permitted	21.08.1997
19840557	Erection of a two storey extension at the side to form a dining room with bathroom over	Permitted	10.08.1984
19830673	Change of use of land from woodland to residential garden and alterations to vehicular access	Permitted	19.12.1983
19780438	Erection of a single storey extension to form an enlarged kitchen childrens playroom and a new boiler room at the side of dwelling	Permitted	21.06.1978
19590307	erection of loose box and tack room	Permitted	10.11.1959
19560253	Extension to lounge	Permitted	09.01.1957
19510230	Additions	Permitted	01.02.1952

19510046	Erection of a private garage	Permitted	09.05.1951
19480125	erection of a garage	Permitted	04.03.1949

Officer Assessment*Permitted Developments Rights Restrictions*

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

Planning application reference 19830673 for the change of use of land from woodland to residential garden and alterations to vehicular access was approved subject to the following conditions:

- (i) The development to which this permission relates must be begun not later than the expiration of five years beginning with the date on which this permission is granted.
- (ii) Notwithstanding the provisions of Article 3 of and paragraphs 1, 3 & 5 of Class I and paragraphs 1 and 2 of Class II of Schedule 1 to the Town and Country Planning General Development Order 1977 (as amended) the following developments shall not be carried out on the land without the prior permission of the District Planning Authority:-
- (a) enlargement of a dwelling house (which term without prejudice to the generality thereof shall specifically include the erection of a garage, stable, loose box or coach-house within the curtilage of a dwellinghouse).
 - (b) the erection of any building or enclosure required for a purpose incidental to the enjoyment of dwellinghouse.
 - (c) the erection or placing of an oil storage tank.
 - (d) the erection or construction of gates, fences, walls or other means of enclosure.
- and that the grounds for the imposition of such conditions are:—
- (i) In pursuance of Section 41 of the Town and Country Planning Act 1971.
- (ii) In the interests of the amenity of this area where green belt and great landscape value policies apply.

cont'd.

GR/83/673

CONDITIONS CONT'D:

- (iii) No trees on the land shall be lopped, topped or felled without the prior consent of the District Planning Authority.
- (iv) Before the site is first brought into use for the purpose of providing vehicular access to Shorne Mead, Pear Tree Lane, Shorne, the existing vehicular access to that property shall be closed off and a scheme for the landscaping and boundary treatment of the existing access shall be submitted to and approved in writing by the District Planning Authority and upon approval the scheme shall be carried out within 12 months.
- (v) The land shall not be used as part of the garden of Shorne Mead, Pear Tree Lane, Shorne until such time as the alterations to the existing vehicular accesses referred to in condition (iv) above have been carried out.

GROUNDS CONT'D:

- (iii) In order to retain the integrity of this woodland area.
- (iv) and (v) In the interests of road safety.

Condition (ii) specifically includes the enlargement of the dwellinghouse. The applicant's agent queried this previously under application 20220593 as the site location plan shows two parcels of land as can be seen below:

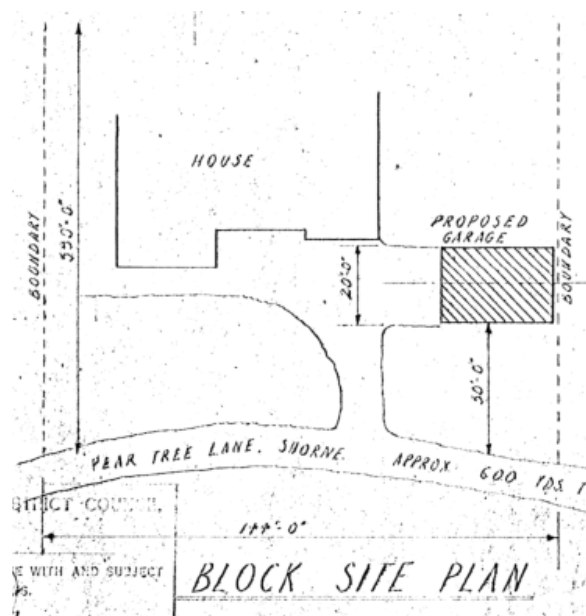


The vehicular access was implemented, as was the change of use, and therefore the conditions technically stand. However, the assumption is the red line is around the land which was to be incorporated into the garden and a blue line around the remainder of the site. Such a condition removing PD rights from the dwelling, outside of the red line, would have been unlikely to have been supported at appeal being deemed as unreasonable and not relevant to the development. On this basis, the Council is of the view that this condition

was not meant for the main building, but just the land being incorporated within the curtilage. It is noted that recent buildings have been erected on this piece of land within the last two years and these will be investigated separately.

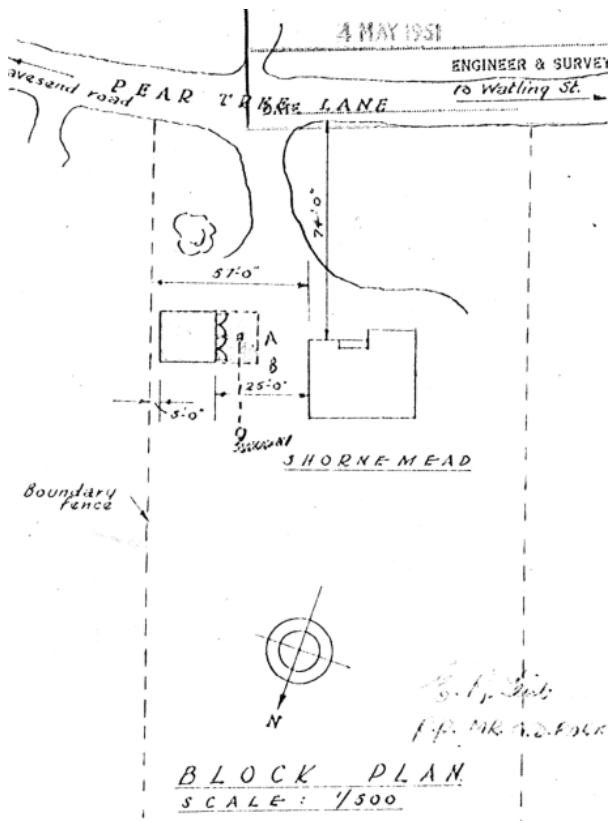
Detailed planning history:

19480125 – proposed garage. This plan only shows the front part of the house. It does not definitively show the arrangement to the rear:



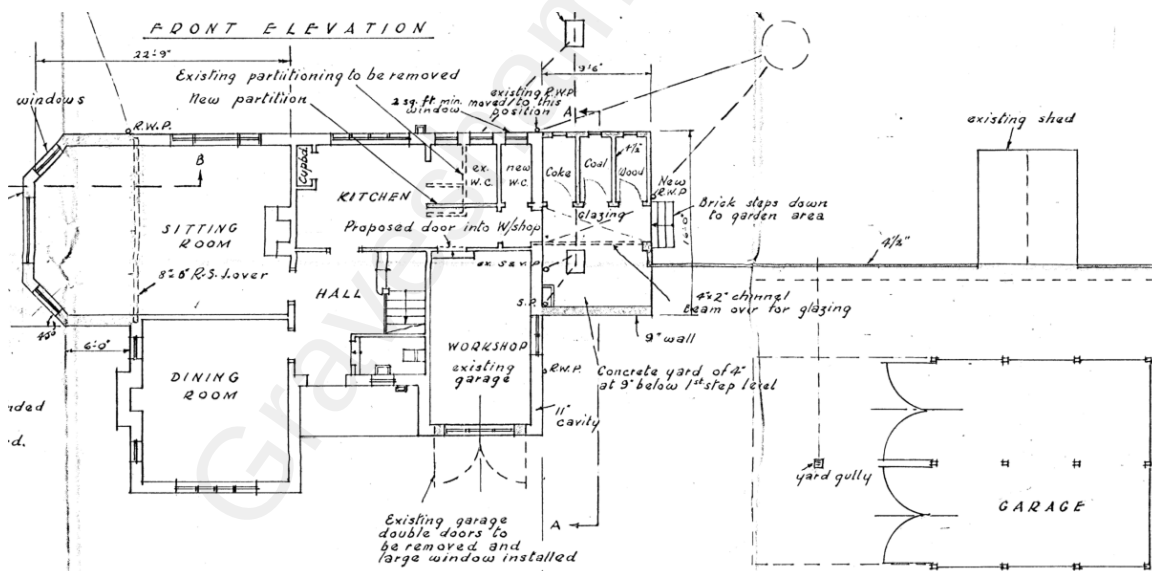
No PD rights were removed.

19510046 – proposed garage. This shows the footprint in full. The rear wall is straight:



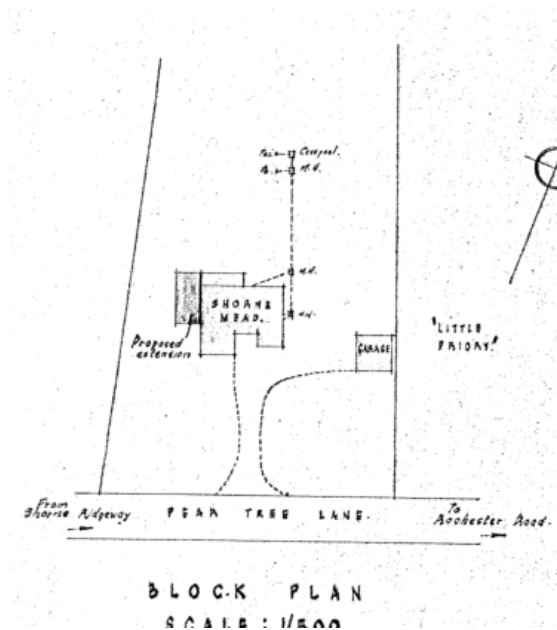
No PD rights were removed.

19510230 granted permission for two single storey side extensions. This also shows the rear wall being straight:



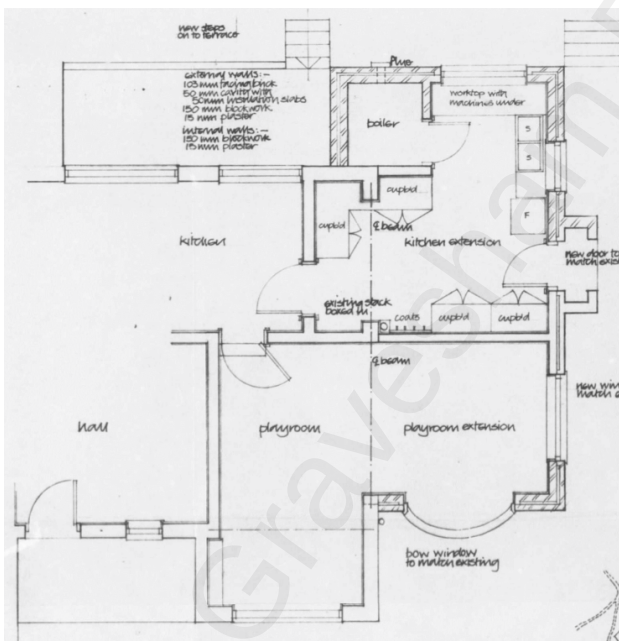
No PD rights were removed.

19560253 lounge extension to the side and rear. This is the first time a rear projection is shown. This could have been constructed under permitted development but it is not original:



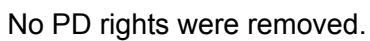
No PD rights were removed.

19780438 – single storey extension to form an enlarged kitchen, children's playroom and now boiler room at the side of the dwelling:

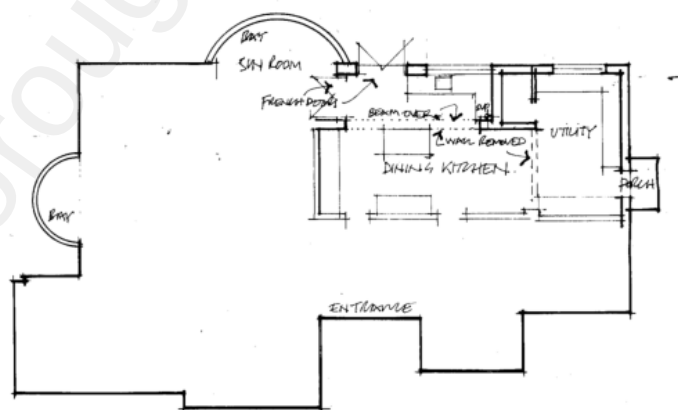


19830673 - Change of use of land from woodland to residential garden and alterations to vehicular access. Details of this have already been discussed at the top of the Officer Assessment Section.

19840557 – Two storey side extension to form dining room with bathroom over.



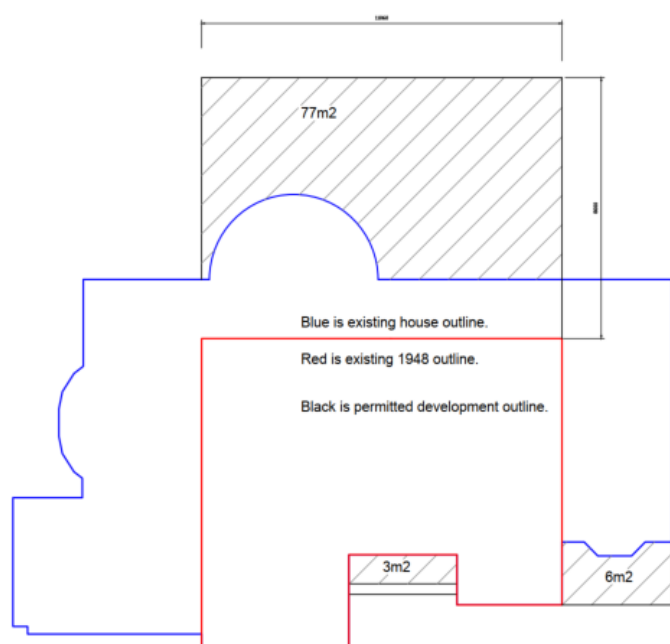
GROUND PLAN AS EXISTING
1:100



GROUND PLAN AS PROPOSED
1:100

No PD rights were removed.

Proposed:



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 - the front 3sqm extension does not project further forward than the principle elevation.
(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	Y (see below)

	(ii) exceed 4 metres in height	
(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
(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
(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
(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, (ii) the installation, alteration or replacement of a microwave antenna, (iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or (iv) an alteration to any part of the roof of the dwellinghouse	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 –	N/A
(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;	
(b)	the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or	

(c)	the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse.	
(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).	
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;	*Assessment Note – no information was provided to enable this question to be answered. However, it is not directly related to the Prior Approval Extension Application itself. The proposed single storey rear extension would need to adhere to all of the above to be considered permitted development and further information would be required in the event of a submission to obtain a Lawful Development Certificate.
(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	N/A

	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.	
--	---	--

Analysis

Under Class A.1 (g) of the Town and Country Planning (General Permitted Development) (GDPO) (England) Order 2015, as amended, a single family dwelling can extend beyond the rear wall by 8 metres in the case of a detached property, as long as it does not exceed 4 metres in height.

As set out in the GDPO, Class A.4 (2), the developer has provided sufficient information to support the application. The information provided show the proposed development is within the parameters set out in the GPDO; 8 metres deep, a maximum height of 3.75 metres, with an eaves height of 2.35 metres.

The adjoining properties were consulted in accordance with A.4 (5) and two representations were received. However both representations are in support of the application and therefore A.4 (7) has not been triggered and the impact on neighbouring amenity does not require investigation. This is only required where any owner or occupier of any adjoining premises objects to the proposed development.

It is considered that the details and documents provided with the application are sufficient and no further information is required under A.4 (8) to determine the proposed development.

Conclusion

The proposed development complies with **THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015, AS AMENDED**, and it is considered **PRIOR APPROVAL IS NOT REQUIRED**, subject to the imposition of informatives relating to the extent of this prior approval, the development to accord with the information provided, the time limit for completion, notification of completion and requirement to comply with Building Regulations and Party Wall Act.

Recommendation: PRIOR APPROVAL IS NOT REQUIRED

Case Officer:	Mrs Alison Webster	Team Leader:	Richard Hart
Signed:		Signed:	<i>R Hart</i>
Dated:	16th August 2022	Dated:	22nd August