

Delegated Report

Lawful Development Certificate (Proposed)

Application no:	20250430
Location	Chestnut Lodge Watling Street Higham Rochester
Proposal:	Application for a Proposed Lawful Development Certificate; demolition of chimney stack, erection of two dormer windows and internal alterations.
Applicant:	Dr Shabat Hothi
Site Visit	N/A Desktop Assessment

Plans & Documents

Application form
Site location plan
Drawing no. SM/PO/10 (existing and proposed rear elevations)
Drawing no. SM/PO/11 (existing and proposed block plans)
Drawing no. SM/PO/07 (existing and proposed sections)
Drawing no. SM/PO/04 (proposed ground floor plan)
Drawing no. SM/PO/03 (existing roof plan)
Drawing no. SM/PO/01 (existing ground floor plan)
Drawing no. SM/PO/05 (proposed first floor plan)
Drawing no. SM/PO/06 (proposed roof plan)
Drawing no. SM/PO/02 (existing first floor plan)
Drawing no. SM/PO/09 (existing and proposed front elevations)
Drawing no. SM/PO/08 (existing and proposed side (west) elevations)

Property Type

The property comprises a two storey detached dwelling.

Material Consideration

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

Relevant Planning History

20211476	Application for Lawful Development Certificate for proposed erection of an outbuilding with indoor swimming pool.	Certificate granted	31.01.2022
20210787	Erection of a single storey pool house and sun room.	Refused	16.08.2021
19900002	Erection of two storey rear extension to form enlarged kitchen/diner, dining room and sun lounge with two bedrooms at first floor level	Permitted	26.03.1990

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)	
2. Existing Roof Extensions (m ³)	
Remaining Roof Volume (m ³) formula: (1 minus 2) = X 40m ³ or 50m ³ minus X =remaining volume Officer to show calculations in case notes (indexed on NEC)	See below

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;	See below
(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	Y – see Class G below
(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
(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 – the plans do not show the windows as obscure however this condition can be attached to any future permission granted.

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

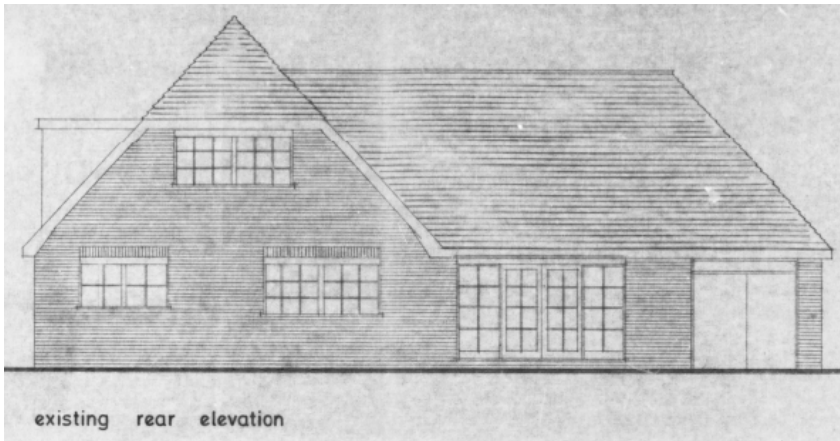
C.1	Development is not permitted by Class C if -	Y/N
(a)	permission to use the dwelling as a dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (changes of use);	N
(b)	the alteration would protrude more than 0.15 metres beyond the plane of the slope of 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
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.	See above

Class G – chimneys, flues etc on a dwellinghouse

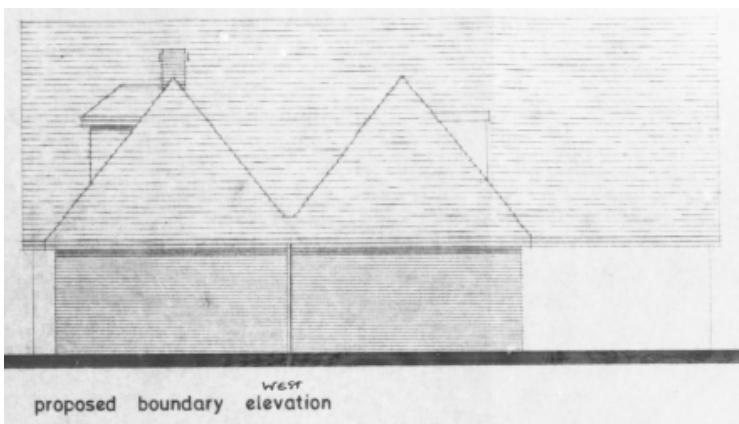
The installation, alteration or replacement of a chimney, flue or soil and vent pipe on a dwellinghouse.

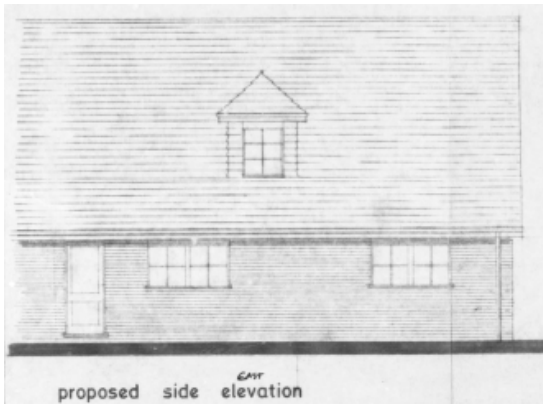
G.1	Development is not permitted by Class G if –	G.1
(a)	Permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (changes of use)	N
(b)	The height of the chimney, flue or soil and vent pipe would exceed the highest part of the roof by 1 metre or more; or	N/A
(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/A

The 19900002 application shows the property as it was below:

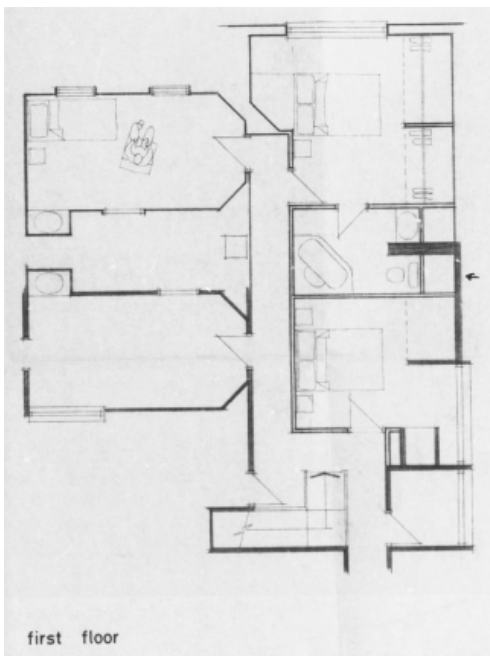
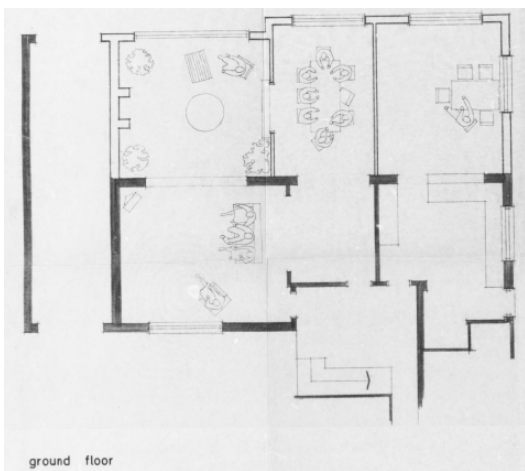


It shows the proposed extensions as shown below:





The floor plan is shown below:



It would appear from the plans above that the original dwelling extended almost the full width of the site but was just one room deep. This is corroborated by google earth:



The 1990 permission has been implemented adding a two storey rear extension with hipped dormers. The two dormers in the roof valley do not appear to have planning permission.

The 1990 permission has added at over 50 cubic metres of roof volume to the original dwelling (see calculations below) and therefore any further additions will require planning permission. The proposed infill roof and side dormers therefore fail under Class B.1 (d) of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Recommendation: <u>Refuse</u> Lawful Development Certificate

Case Officer:	Mrs Alison Webster	Team Leader:	Richard Hart
Signed:		Signed:	<i>R Hart</i>
Dated:	23rd June 2025	Dated:	23rd June 2025

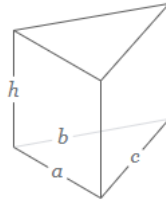
Calculation of roof volume of just the lower roof added in 1990 (not including the hipped ends, hipped dormers or the extension to the main roof):

Triangular prism

Solve for volume ▾

$$V \approx 67.8$$

a	Base side	4.32
b	Base side	4.85
c	Base side	4.19
h	Height	8



Using the formulas

$$A_B = \sqrt{s(s-a)(s-b)(s-c)}$$

$$V = A_B h$$

$$s = \frac{a+b+c}{2}$$

Solving for V

$$\begin{aligned} V &= \frac{1}{4} h \sqrt{-a^4 + 2(ab)^2 + 2(ac)^2 - b^4 + 2(bc)^2 - c^4} \\ &= \frac{1}{4} \cdot 8 \cdot \sqrt{-4.32^4 + 2 \cdot (4.32 \cdot 4.85)^2 + 2 \cdot (4.32 \cdot 4.19)^2 - 4.85^4 + 2 \cdot (4.85 \cdot 4.19)^2 - 4.19^4} \\ &\approx 67.80464 \end{aligned}$$

