



Delegated Report

Lawful Development Certificate (Proposed)

Application no:	20220420
Location	The Mill House Mill Hill Lane Shorne Gravesend
Proposal:	Application for a Lawful Development Certificate in respect of the proposed repair, maintenance and works to 3no. chimneys including re-building top of 2no. chimneys and works to chimney pots and flashing to 3no. chimneys.
Applicant:	Ms Susan Lindsey & Jonathan Hall
Site Visit	N/A Desktop Assessment

Plans & Documents

Application form;
Drawing no. 01 Rev. P1 – General Arrangement, Site Location and Site Plan As Existing;
Roof Works – Maintenance and Repair Statement by STAC Architecture.

Property Type

The property comprises a detached dwelling.

Material Consideration

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

Relevant Planning History

None.

Officer Assessment

Permitted Developments Rights Restrictions

Article 2 (3) Land (AONB, Conservation Area)	Y
Article 4 Direction	Y
Permitted Development Rights Removed/Restricted	Y as a result of the Art. 4 Direction – but Class G of Part 1, Schedule 2 has not been removed.

The proposal is for maintenance and repair works to the three existing chimneys as they are said to be in a state of disrepair due to a lack of maintenance and also damage in the recent storms.

The works consist of the following as set out in the Maintenance & Repair Statement:

- i. Carefully removed chimney pots setting aside for reinstallation
- ii. Take down chimney brick work to roof level to Chimney 1 and Chimney 2
- iii. Re-use bricks from both Chimney 1 & 2 to re-build Chimney 2 complete with corbelled brickwork and tile creasing detail, new flaunching to bed original pots (replace 1 cracked pot with reclaimed matching pot). Mortar colour and joint style to match existing.
- iv. Re-build Chimney 1 above line of existing render in reclaimed matching brickwork to same height complete with corbelled brickwork and tile creasing detail, new flaunching to bed original pots. Mortar colour and joint style to match existing.
- v. To reset chimney pots on Chimney 3 due to movement
- vi. To provide vents to all reset chimney pots to stop bird and insect invasion
- vii. To remove tile flashing detail between roofs and chimney stacks and replace with code 4 lead flashing dressed into stacks and beneath tiled roofs with lead soakers to provide long lasting weather tight detail
- viii. Remove redundant satellite cable and dish and tv aerials and wiring and leave one tv aerial
- ix. Provide solid fuel chimney cowl to 1 existing pot to Chimney 1

Class G of Part 1, Schedule 2 of the (General Permitted Development) (England) Order 2015 (as amended) allows for the installation, alteration or replacement of a chimney, flue or soil and vent pipe on a dwellinghouse. The application property is covered by an Article 4 Direction (Ar/10/5) but Class G has not been removed, as such the property still retains its permitted rights for Class G. In relation to Class G the proposal, which would consist of alteration and replacement of the existing chimneys is as follows:

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	No drawings have been submitted – therefore the height of the chimneys above the highest part of the roof can't be ascertained.
(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.	Yes – chimney no. 1 is on the south side wall of the dwellinghouse. which fronts Mill Hill Lane and forms the principal/side elevation of the dwellinghouse (see image below).
(d)	the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses)	No



Conclusion

The dwellinghouse is situated in Article 2(3) land and chimney no. 1 is situated on a wall which fronts a highway and forms the principal/side elevation of the dwellinghouse; furthermore insufficient information has been submitted to demonstrate that the height of the three chimneys would not exceed the highest part of the roof by 1 metre or more. As such the proposal does not fall within the limits of permitted development as set out in Article 3, Schedule 2, Part 1, Class G, paragraphs (b) and (c) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The proposal therefore requires planning permission.

Recommendation: Refuse Lawful Development Certificate

Case Officer:	Ms Rebecca Harrison	Team Leader:	Miss Faye Hobbs
Signed:	<i>Rebecca Harrison</i>	Signed:	<i>[Signature]</i>
Dated:	12th July 2022	Dated:	13 July 2022