



Delegated Report

Lawful Development Certificate (Proposed)

Application no:	20221246
Location	20 Hillingdon Road Gravesend Kent DA11 7LG
Proposal:	Application for a Lawful Development Certificate in respect of the proposed erection of an outbuilding.
Applicant:	Mr. Sukhjot Bains
Site Visit	17.01.23

Preliminary Matters

The agent was contacted 16.01.23 as it was noted there were measurement discrepancies on the plans and the drawings appeared to show some proposed engineering works. A revised plan and email was received on 16.01.23 to address the above concerns and confirm no engineering works are proposed. Furthermore, a site visit was conducted 17.01.23 which helped to establish that the land levels on site are predominantly flat.

Plans & Documents

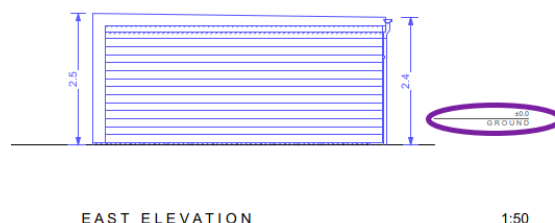
Application Form;
Supplementary Information – Email from agent confirming there are no proposed engineering works (received on 16.01.23);
Drawing No. 022/EX/001 – OS Plan;
Drawing No. 076/EX/100 – Site Plan – Existing;
Drawing No. 076/PR/200 – Site Plan – Proposed; and
Drawing 076/PR/205 REV A – REVISED Floor Plans and Elevations – Proposed.

Superseded Plans & Documents

~~Drawing 076/PR/205 – Floor Plans and Elevations – Proposed.~~

Plan Note

The plans are annotated with a 'ground' level, as shown below:



As aforementioned in this report, the agent has confirmed that no engineering works are proposed, and on site it was noted the ground level was relatively flat and as such, the ground level annotation is considered erroneous and does not form part of the application assessment.

Property Type

20 Hillingdon Road is a two storey end of terrace property.

Material Consideration

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

Relevant Planning History

Reference	Description	Decision	Decision Date
20221250	Single storey rear extension with a depth of 6.00 metres, maximum height of 4.00 metres and eaves height of 3.00 metres.	Prior Approval is Not Required	20.12.2022

Planning History Note

It is important to note that this Proposed Lawful Development Certificate Application is being assessed independently of the 20221250 Prior Approval Larger Homes Application, and the single storey rear extension is not shown on the plans received for this application.

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 E - The provision within the curtilage of the dwellinghouse of –

(a) any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure; or

(b) a container used for domestic heating purposes for the storage of oil or liquid petroleum gas.

E.1	Development is not permitted by Class E 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)	The total area of ground covered by building, enclosures and containers within the curtilage (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)	Any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse;	N
(d)	The building would have more than a single storey;	N
(e)	The height of the building, enclosure or container would exceed – (i) 4 metres in the case of a building with a dual-pitched roof, (ii) 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of dwellinghouse, or (iii) 3 metres in any other case;	N/A N 2.50m N/A
(f)	The height of the eaves of the building would exceed 2.5 metres;	N 2.42m (measurement taken as set out in Government Technical Guidance)
(g)	The building, enclosure, pool or container would be situated within the curtilage of a listed building;	N/A
(h)	It would include the construction or provision of a verandah, balcony or raised platform;	N
(i)	It relates to a dwelling or a microwave antenna; or	N
(j)	The capacity of the container would exceed 3,500 litres	N
(k)	the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses)	N
E.2	In the case of any land within the curtilage of a dwellinghouse which is within – (a) An area of outstanding natural beauty; Development is not permitted by Class E if the total area of ground covered by buildings, enclosures, pools and containers situated more than 20 metres from any wall of the dwellinghouse would exceed 10 square metres.	N/A
E.3	In the case of any land within the curtilage of the dwellinghouse which is article 2(3) land, development is not permitted by Class E if any part of the building, enclosure, pool or container would be situated on land between a wall forming a side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse.	N/A

Incidental to the dwellinghouse

The plans show the outbuilding is to be used a home gym. Therefore the outbuilding is considered incidental to the enjoyment of the dwellinghouse.

Conclusion

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

Recommendation: <u>Grant</u> Lawful Development Certificate
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Case Officer:	Mrs Lucy Hankin	Team Leader:	Miss Faye Hobbs
Signed:	L Hankin	Signed:	
Dated:	17.01.23	Dated:	18 January 2023