

Delegated Report

Lawful Development Certificate (Proposed)

Application no:	20230468
Location	373 Valley Drive Gravesend Kent DA12 5TA
Proposal:	Application for a Lawful Development Certificate in respect of the proposed erection of loft conversion and a habitable room in the roof space, including 5No Skylights, erection of the outbuilding (Gym and Office) at the back of the Garden and removal of existing windows and new door installation at window location.
Applicant:	Mr Tomas Zymantas
Site Visit	N/A Desktop Assessment

Plans & Documents

Planning Application Form;
 Drawing No. A01 Rev A – Ground Floor Plans, Roof Plans, Section A-A, 3D Views As Proposed (outbuilding);
 Drawing No. A02 Rev A – Block, Location Plans As Proposed and Block, Location Plans as Existing;
 Drawing No. A01 Rev A – Ground Floor Plans, Roof Plans, Section A-A, 3D Views As Existing;
 Drawing No. A02 Rev A – Front, Rear And Side Elevations As Existing;
 Drawing No. A03 Rev B – Ground, First, Mansard Floor Plans, Section A-A As Proposed;
 Drawing No. A04 Rev B – Front, Rear And Side Elevations As Proposed; and
 Drawing No. A05 Rev B – 3D Views As Proposed.

Property Type

The property comprises of a semi-detached bungalow

Material Consideration

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

Relevant Planning History

Reference	Description	Decision	Decision Date
20230589	Conversion of loft to form habitable rooms, including 5 skylights. Blocking of the side door and installation of french doors to the rear and side of the building. Extension of existing vehicle crossover and creation of a hard standing in the front garden.	Under Consideration	

20221104	_REVISED_ Proposed loft conversion with insertion of 5 no. rooflights and conversion of the roof space into habitable rooms, together with the formation of vehicular crossover and excavation of part of the front garden to facilitate the creation of a hardstanding with retaining walls	Withdrawn	15.03.2023
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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 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 0.09m
(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 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.	Y Y

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 2.48m N/A
(f)	The height of the eaves of the building would exceed 2.5 metres;	N 2.48m
(g)	The building, enclosure, pool or container would be situated within the curtilage of a listed building;	N
(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

The proposed side facing rooflight would be obscure glaze as shown on Drawing No. A04 Rev B and non-openable as confirmed in an email from the agent of 27th June 2023.

Incidental to the enjoyment of the dwellinghouse

As the description and associated application form states, the proposed outbuilding will be used as an office and gym with additional storage. The floor plans do show a bathroom, however this would be ancillary for the office and gym use. This satisfies that the outbuilding will be incidental to the enjoyment of the dwellinghouse.

Conclusion

The proposed development complies with Schedule 2, Part 1, Classes A, B, C and E 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 Amanda Grout	Team Leader:	
Signed:	<i>A Grout</i>	Signed:	
Dated:	27 th June 2023	Dated:	