

Delegated Report

Lawful Development Certificate (Proposed)

Application no:	20221181
Location	47 Nursery Grove Gravesend Kent DA11 7BB
Proposal:	Application for a Lawful Development Certificate in respect of the proposed erection of a single storey rear extension and construction of a dormer extension in the rear roof slope and loft conversion.
Applicant:	Mr Arunas Giraityte
Site Visit	N/A Desktop Assessment

Plans & Documents

Application Form Dated: 02/11/2022;
 Supplementary Information – Roof Plan Calculations;
 Site Location Plan;
 7th November 2022 - Block Plan – Existing;
 7th November 2022 - Floor Plan – Proposed;
 7th November 2022 - Floor Plan – Existing;
 27th October 2022 – Elevations – Existing and
 27th October 2022 – Elevations – Proposed.

Property Type

47 Nursery Grove is a two-storey end of terraced house in use as a single dwelling.

Material Consideration

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

Relevant Planning History

Reference	Description	Decision	Decision Date
20070516	Details pursuant to outline planning permission reference no. GR/2004/814 relating to the siting, design, external appearance and landscaping for phases 2 and 3 of the development for a total of 134 residential units and comprising the erection of 16 detached two storey two, four and five bedroom dwellings some with detached or attached double garages; 5 pairs of two storey semi-detached two and three bedroom dwellings;	Permitted	10.10.2007

	5 two storey terraces totalling 25 two bedroom dwellings and a two storey terrace of 5 two bedroom and 2 three bedroom dwellings; a semi-circular three storey terrace of 11 three bedroom dwellings with studies; a semi-circular three storey terrace of 5 three bedroom dwellings with studies and 8 two bedroom and 4 one bedroom self-contained flats; a three storey terrace of 12 two and three bedroom self-contained flats; 2 three storey buildings to provide a total of 18 two bedroom and 6 one bedroom self-contained flats; erection of a part three storey and part two storey building to provide 9 two bedroom and 3 one bedroom self-contained flats; formation of associated estate roads and laying out of associated car parking spaces; erection of a single storey building for sports changing facilities, provision of multi-use games area (MUGA) and laying out of associated car parking		
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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	Y

Application 20070516 details the following condition:

3. Notwithstanding the provisions of Article 3 of and Part 1 Classes A, B, C and D of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 as amended, or any provisions equivalent to those classes in any order revoking and re-enacting that order, no enlargement, improvement or other alteration of the dwellings hereby permitted within phases 2 and 3 of the development, including an addition or alteration to the roof or the construction of a porch outside any external door shall be carried out without the prior written permission of the Local Planning Authority having first been obtained.

The reason for this condition is:

Reason: In the view of the restricted size of many of the plots on this estate and in order to maintain a good standard of design to ensure the proper planning of the area

Whilst the above condition relates to the 1995 GPDO it is clear using Dunnett Investments Limited [2017] EWCA Civ 192 and Trump International Golf Club Scotland Limited v Scottish Ministers [2015] UKSC 74 case law, that the above condition is sufficiently clear to exclude the operation of Classes A, B, C and D from Article 3 of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 (as Amended) and to prevent any enlargement, improvement or other alterations to the dwelling without the prior written permission of the Local Planning Authority having first been obtained.

Conclusion

The proposed development does not meet the criteria found within the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended. This is because permitted development rights

have been removed for classes A, B, C and D under application 20070516 which removes the rights to enlarge, improve or otherwise alter the dwelling including an addition or alteration to the roof or construction of a porch. As the above condition removes the applicant's right to carry out the said development under permitted development rights, the Lawful Development Certificate is refused and planning permission is required

Recommendation: Refuse Lawful Development Certificate

Case Officer:	Mrs Nina Goodbody	Team Leader:	Miss Faye Hobbs
Signed:	<i>N Goodbody</i>	Signed:	
Dated:	21st November 2022	Dated:	25 November 2022