

Delegated Report

Lawful Development Certificate (Proposed)

Application no:	20211076
Location	2 Bellman Avenue, Gravesend, Kent, DA12 1RE
Proposal:	Application for Lawful Development Certificate for proposed extension and conversion of detached garage to one bedroom annex.
Applicant:	Dona & Samantha Vego-William
Site Visit	N/A Desktop Assessment

Plans & Documents

Application Form - dated 26/08/2021;
 Drawing no. A100 - Site Location and Block Plan;
 Drawing no. A101 - Existing Floor Plans;
 Drawing no. A102 - Existing Elevations;
 Drawing no. A103 - Proposed Floor Plans;
 Drawing no. A104 - Proposed Elevations;
 Drawing no. A105 - Proposed Sections.

Property Type

2 Bellman Avenue is a two storey end of terrace property in use as a single family dwelling.

Material Consideration

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

Relevant Planning History

Application No.	Description	Status	Decision
20040999	Erection of single storey side extension to form a utility room.	PERMITTED	30.12.2004
20040027	Alterations and enlargement of the roof; construction of dormer extension in the rear roof slope and conversion of the roof space into a bedroom and en-suite shower room/w.c	PERMITTED	08.03.2004

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.

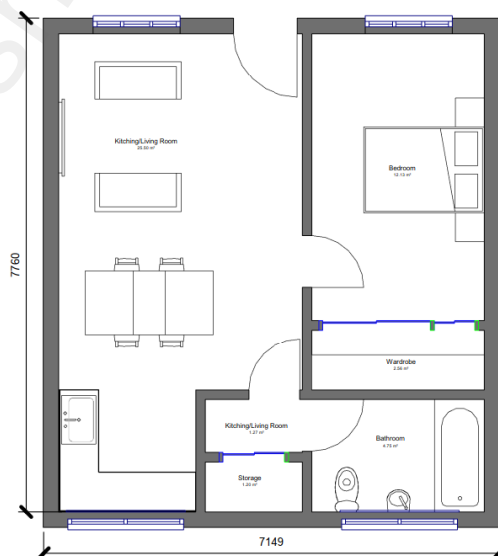
Discussion

Class E sets out the rules on permitted development for buildings within the curtilage of a house. Buildings under Class E should be built for **purposes incidental** to the enjoyment of the house.

Paragraph E.4 of Class E indicates that purposes incidental to the enjoyment of the house includes the keeping of poultry, bees, pet animals, birds or other livestock for the domestic needs or personal enjoyment of the occupants of the house.

A purpose incidental to a house would **not** cover normal residential uses, such as separate self-contained accommodation or the use of an outbuilding for primary living accommodation such as a bedroom, bathroom, or kitchen.

This application proposes the extension and conversion of a detached garage into an annexe, which includes a bedroom, kitchen and bathroom (see proposed floor plan below):



For that reason, the proposed extension and conversion of the detached garage cannot be lawful development as the extended building is not incidental to the use of the dwellinghouse.

The application has not been assessed against the criteria under Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, due to the outbuilding not being an incidental to the enjoyment of the main dwelling.

Therefore, the proposed development fails to comply with **THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015, AS AMENDED**, and the **LAWFUL DEVELOPMENT CERTIFICATE is REFUSED**.

Recommendation: <u>Refuse</u> Lawful Development Certificate		
	Name/Signature	Date
Planning Officer		09/12/2021
Principal Planner/ Manager	Richard Hart / R Hart	10 th December 2021