

# Delegated Report

## *Lawful Development Certificate (Existing)*

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|------------------------|---------------------------------------------------------------------------------------------------------------------------------------|
| <b>Application no:</b> | 20230424                                                                                                                              |
| <b>Location</b>        | 99 Lamorna Avenue Gravesend Kent DA12 5PS                                                                                             |
| <b>Proposal:</b>       | Application for Lawful Development Certificate in respect of the continued use of a single storey rear extension and loft conversion. |
| <b>Applicant:</b>      | Mr Douglas Ponsford                                                                                                                   |
| <b>Site Visit</b>      | N/A Desktop Assessment                                                                                                                |

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### Plans & Documents

Application Form;  
Floor Plans as Existing and Proposed (received on 23.05.23);  
Elevations as Existing and Proposed (received on 23.05.23);  
Block Plan (received on 09.05.23);  
Drawing No. PA-02 – Block Plans as Existing and Proposed; and  
Drawing no. PA-01 – Site Location Plan.

### Plan/Procedural Note

As this is an application for a Certificate of Lawfulness for the existing use, it would have been beneficial for the plans to be annotated as 'pre-existing' and 'as constructed' rather than 'existing' and 'proposed' for the avoidance of doubt when members of the public are viewing the plans. However, this does not affect the assessment of the application.

Additionally, there are discrepancies with the plans and what has been constructed. This will be addressed within the report below.

### Property Type

99 Lamorna Avenue is a two storey mid-terraced property.

### Material Consideration

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

### Relevant Planning History

No relevant history.

## Consultations, Publicity and Representations

This is an application for a Lawful Development Certificate that is considered on its facts and relevant planning law. As confirmed in national planning guidance, views expressed by third parties on the planning merits of such cases are irrelevant. Accordingly, unlike planning applications, there is no statutory requirement to undertake publicity or consultation. However, the application has been advertised by individual neighbour letters to 4 properties and the consultation period expired 15.06.23.

Additionally, Local Ward Councillors have been consulted in error, with the consultation period also expiring on 15.06.23.

## 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 A - The enlargement, improvement or other alteration of a dwellinghouse

| A.1 | Development is not permitted by Class A 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) | as a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (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) | the height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse                                                                                                                                 | N                                                                                                                                                                          |
| (d) | the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse                                                                                                                                       | N                                                                                                                                                                          |
| (e) | the enlarged part of the dwellinghouse would extend beyond a wall which –<br><br>(i) forms the principal elevation of the original dwellinghouse; or<br><br>(ii) fronts a highway and forms a side elevation of the original dwellinghouse                                                      | N<br><br>N                                                                                                                                                                 |
| (f) | subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and -<br><b>(i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or</b> | <b>N</b><br><b>3.00m</b><br><b>according to</b><br><b>the floor</b><br><b>plans.</b><br><b>However, one</b><br><b>of the block</b><br><b>plans</b><br><b>indicates the</b> |

|      |                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                |
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|      | (ii) exceed 4 metres in height                                                                                                                                                                                                                                                                                                                                                                   | development could exceed 3.00m. See Officer's Analysis below<br><br>N<br>2.95m |
| (g)  | for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and -<br><br>(i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or<br>(ii) exceed 4 metres in height; | N/A                                                                            |
| (h)  | the enlarged part of the dwellinghouse would have more than a single storey and –<br><br>(i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or<br>(ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse being enlarged which is opposite the rear wall of that dwellinghouse;                                                          | N/A                                                                            |
| (i)  | the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres                                                                                                                                                                                                    | N<br>2.95m                                                                     |
| (j)  | the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would –<br><br>(i) exceed 4 metres in height,<br>(ii) have more than a single storey, or<br>(iii) have a width greater than half the width of the original dwelling; or                                                                                            | N/A                                                                            |
| (ja) | any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (e) to (j);                                                                                                                                                                         | N/A                                                                            |
| (k)  | it would consist of or include –<br><br>(i) the construction or provision of a verandah, balcony or raised platform,<br><br>(ii) the installation, alteration or replacement of a microwave antenna,<br><br>(iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or<br><br>(iv) an alteration to any part of the roof of the dwellinghouse                | N<br><br>N<br><br>N<br><br>N                                                   |
| (l)  | the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses)                                                                                                                                                                                                                                                                                                   | N                                                                              |

| A.2 | In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if –                                                                                                                                                                                                               | Y/N                                                       |
|-----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------|
| (a) | it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;                                                                                                                                       | N/A                                                       |
| (b) | the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or                                                                                                                                                                                    | N/A                                                       |
| (c) | the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse.                                                                                                                                                                      | N/A                                                       |
| (d) | any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (b) and (c).                                                                                       | N/A                                                       |
| A.3 | Development is permitted by Class A subject to the following conditions –                                                                                                                                                                                                                                       | Y/N                                                       |
| (a) | <b>the materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;</b>                                                                               | <b>N</b><br><b>This information has not been provided</b> |
| (b) | any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be –<br><br>(i) obscure-glazed, and<br>(ii) 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; and | N/A                                                       |
| (c) | where the enlarged part of the dwellinghouse has more than a single storey, or forms an upper storey on an existing enlargement of the original dwellinghouse, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.                    | N/A                                                       |

**Class B - The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.**

|                                                                                                                                                                                                                                          |                                                                                           |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------|
| 1. Original Roof Volume (m <sup>3</sup> )                                                                                                                                                                                                | N/A                                                                                       |
| 2. Existing Roof Extensions (m <sup>3</sup> )                                                                                                                                                                                            | N/A                                                                                       |
| Remaining Roof Volume (m <sup>3</sup> ) <b>formula: (1 minus 2) = X</b><br><b>40m<sup>3</sup> or 50m<sup>3</sup> minus</b><br><b>X</b><br><b>=remaining volume</b><br><b>Officer to show calculations in case notes (indexed on NEC)</b> | N/A<br>No previous roof works have been undertaken. 40m <sup>3</sup> roof volume remains. |

| B.1 | Development is not permitted by Class B 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)        | Any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | N                                                                                                                                              |
| (c)        | Any part of the dwellinghouse would, as a result of the works, extend, beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | N                                                                                                                                              |
| (d)        | <p><b>The cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than –</b></p> <p><b>(i) 40 cubic metres in the case of a terrace house, or</b></p> <p><b>(ii) 50 cubic metres in any other case;</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <p><b>There are plan discrepancies so this is unable to be answered – see Officers Analysis below</b></p>                                      |
| (e)        | It would consist of or include –                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                |
|            | the construction or provision of a verandah, balcony or raised platform or                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | N                                                                                                                                              |
|            | the installation, alteration or replacement of a chimney, flue or soil and vent pipe; or                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | N                                                                                                                                              |
| (f)        | The dwellinghouse is on article 2 (3) land                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | N                                                                                                                                              |
| <b>B.2</b> | <b>Development is permitted by Class B subject to the following conditions –</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <b>Y/N</b>                                                                                                                                     |
| (a)        | <b>The materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <b>This information has not been provided</b>                                                                                                  |
| (b)        | <p>The enlargement must be constructed so that –</p> <p>(i) other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side – extension</p> <p>(aa) the eaves of the original roof are maintained or reinstated; and</p> <p><b>(bb) the edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge of the eaves; and</b></p> <p>(ii) other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwelling house; and</p> | <p>Y</p> <p><b>N</b></p> <p><b>0.11m</b></p> <p><b>As shown by the rear elevation – see Officer's Analysis</b></p> <p>N</p> <p>It does not</p> |

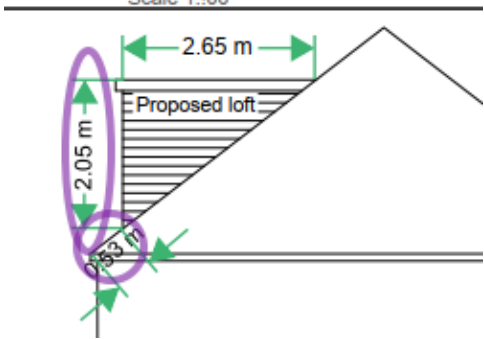
|     |                                                                                                                                                                                                                                                                                                                                |                                                                                     |
|-----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|
| (c) | <p><b>Any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse must be –</b></p> <p><b>(i) obscure-glazed, and</b><br/> <b>(ii) 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.</b></p> | <p><b>Insufficient information - Other side elevation has not been provided</b></p> |
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**Class C - Any other alteration to the roof of a dwellinghouse.**

| <b>C.1</b> | <b>Development is not permitted by Class C if -</b>                                                                                                                                                                                                                                                                                                                | <b>Y/N</b>                  |
|------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|
| (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<br>No projection is shown |
| (c)        | it would result in the highest part of the alteration being higher than the highest part of the original roof;                                                                                                                                                                                                                                                     | N                           |
| (d)        | <p>it would consist of or include –</p> <p>(i) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or</p> <p>(ii) the installation, alteration or replacement of solar photovoltaics or solar thermal equipment.</p>                                                                                                             | <p>N</p> <p>N</p>           |
| <b>C.2</b> | <p>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-</p> <p>(a) obscure-glazed; and</p> <p>(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.</p> | N/A                         |

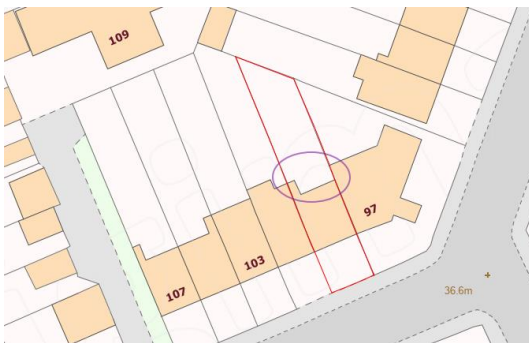
**Officer's Analysis**

As aforementioned at the beginning of this report, this application contains several plan discrepancies. In addition, the plans do not appear to reflect what has been constructed. Please see elevational plans plus aerial images below:

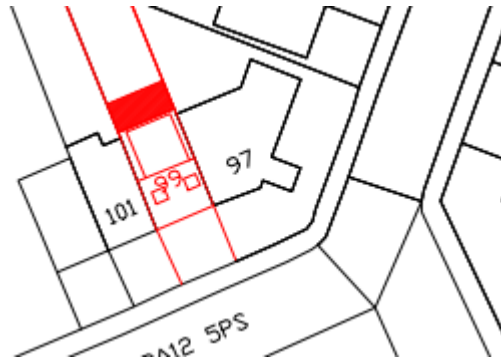
|                                                                                                                       |                                                                                                                                                                                                                                                                                                      |
|-----------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                      |                                                                                                                                                                                                                    |
| <p><b>Google Aerial Imagery</b></p>  | <p>As highlighted, the plan measurements do not correspond with each other. Additionally, the plans do not appear to reflect what has been constructed. The existing dormer appears much larger in height, and within close proximity to the main roof ridge and the eaves of the existing roof.</p> |

In addition, one of the block plans provided for this application suggests the property could have been previously extended, when compared to the other. Please note the plan on the left which shows the stepped appearance of the rear wall of the existing dwelling, a pattern which appears to be replicated along the rear gardens of the surrounding area:

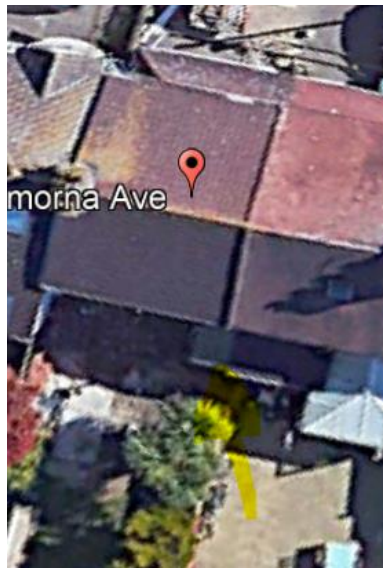
Block Plan



Proposed Block Plan



If the block plan on the left is correct, then it could be possible that the development would exceed the parameters of permitted development rights for single storey rear extensions for a terraced house. Aerial images below appear to show that the plan (on the left) was an accurate representation of the rear of the property as indicated by the yellow arrow in the 2020 image below:



If the roof slope of the adjoining property is considered, it also appears the main property roof of the application site may have been extended outwards at some point. Consequently, it cannot be confirmed whether the proposal would comply with A.1 (f) relating to the depth of the extension, B.2 (d) relating to the dormer volume, and B.2 (bb) relating to the distance of the dormer from the eaves. Subsequently, if there was an existing rear projection, the proposal could also fail under A.1 (j) and A.1 (ja).

Furthermore, details or information regarding external materials, to show whether the development is of a similar appearance to the existing dwelling, have not been included with the application and as such the proposal fails to comply with Class A.3 (a) and Class B.2 (a). In addition, the other side elevation has not been provided and as such B.2 (c)(i) and (ii) relating to windows inserted on a wall or roof slope forming a side elevation of the dwellinghouse cannot be answered.

### Conclusion

Overall, 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: Refuse Lawful Development Certificate**

|                      |                           |                     |                            |
|----------------------|---------------------------|---------------------|----------------------------|
| <b>Case Officer:</b> | Mrs Lucy Hankin           | <b>Team Leader:</b> | Richard Hart               |
| <b>Signed:</b>       | L Hankin                  | <b>Signed:</b>      | <i>R Hart</i>              |
| <b>Dated:</b>        | 4 <sup>th</sup> July 2023 | <b>Dated:</b>       | 7 <sup>th</sup> April 2023 |