



# Delegated Report

## *Lawful Development Certificate (Proposed)*

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|------------------------|--------------------------------------------------------------------------------------------------|
| <b>Application no:</b> | 20240603                                                                                         |
| <b>Location</b>        | 93 Villa Road Higham Rochester Kent                                                              |
| <b>Proposal:</b>       | Application for a Lawful Development Certificate in respect of the erection of a rear extension. |
| <b>Applicant:</b>      | Margaret Kelly                                                                                   |
| <b>Site Visit</b>      | N/A Desktop Assessment                                                                           |

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### Plans & Documents

- Application Form
- Drawing No: M150021250 REV A (Existing/Proposed Block Plans)
- Drawing No: M15020002 (Proposed Elevations)
- Drawing No: M15020004 REV A (Proposed Ground Floor Plan)
- Drawing No: M15002001 (Existing Ground Floor Plan)
- Drawing No: M15002002 (Existing Elevations)
- Drawing No: M15020003 (Existing/Proposed Sections))

### Property Type

The property comprises a two storey semi detached house.



### Material Consideration

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

### Relevant Planning History

No relevant planning history.

## 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**

| <b>A.1</b> | <b>Development is not permitted by Class A if –</b>                                                                                                                                                                                                                                                                                                                                              | <b>Y/N</b>           |
|------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|
| (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                                                                                                                                                                                                                                        | 2.4M                 |
| (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>(ii) fronts a highway and forms a side elevation of the original dwellinghouse                                                                                                                                                           | N<br>N               |
| (f)        | subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and -<br>(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<br>(ii) exceed 4 metres in height                                                                       | N – 3.0M<br>N – 3.7M |
| (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<br>N               |
| (h)        | the enlarged part of the dwellinghouse would have more than a single storey and –<br>(i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or                                                                                                                                                                                                                     | N<br>N               |

|            |                                                                                                                                                                                                                                                                                                                                                                               |                                          |
|------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------|
|            | (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;                                                                                                                                                                                                                           |                                          |
| (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                                        |
| (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><b>(iii) have a width greater than half the width of the original dwelling; or</b>                                                                  | N<br>N<br>Y – See<br>Officer<br>Analysis |
| (ja)       | <b>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);</b>                                                                                                                                               | Y                                        |
| (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>(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>N<br>N<br>N                         |
| (l)        | the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses)                                                                                                                                                                                                                                                                                | N                                        |
| <b>A.2</b> | <b>In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if –</b>                                                                                                                                                                                                                                                                      | <b>Y/N</b>                               |
| (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                                      |
| <b>A.3</b> | <b>Development is permitted by Class A subject to the following conditions –</b>                                                                                                                                                                                                                                                                                              | <b>Y/N</b>                               |
| (a)        | 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;                                                                                                                                                    | Y –<br>Confirmed<br>on                   |

|     |                                                                                                                                                                                                                                                                                                                 |                  |
|-----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|
|     |                                                                                                                                                                                                                                                                                                                 | Application Form |
| (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<br>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              |

### Officer Analysis

It is noted that the rear of the property has a conservatory in place which appears to be a later addition, it is next to a part width rear projection which serves a toilet and is an original part of the dwelling. This projection mirrors that of the adjoining semi. This part width rear projection serves as a side elevation of the dwelling in which case the parameters of Part A.1.(j)(iii) apply.



The submitted proposal fails to comply with A.1 (j)(iii) and A.1 (ja) because the extension would be greater than half the width of the original dwellinghouse, and the total enlargement would exceed the limits set out in (e) to (j). The GPDO (2015) (as amended) requires the proposal to be within the parameters of the order whilst taking note of the original dwellinghouse.

### Conclusion

The proposed rear extension would extend beyond a wall forming a side elevation of the original dwellinghouse, and would have a width greater than half the width of the original dwelling. The proposed development does not meet the criteria set out in paragraph (j)(iii) and (ja) of Class A of Part 1 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). As such the proposal would require planning permission.

**Recommendation:** Refuse Lawful Development Certificate

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| <b>Case Officer:</b> | Mrs Sharon Sahota | <b>Team Leader:</b> | Richard Hart |
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|---------|-----------------------------------------------------------------------------------|---------|--------------------------------|
|         |                                                                                   |         |                                |
| Signed: |  | Signed: | <i>R Hart</i>                  |
| Dated:  | 4th September 2024                                                                | Dated:  | 4 <sup>th</sup> September 2024 |