



Delegated Report

Lawful Development Certificate (Proposed)

Application no:	20240638
Location	29 Brenchley Avenue Gravesend Kent DA11 7RG
Proposal:	Application for a Lawful Development Certificate in respect of the conversion of the garage into habitable living space, including insertion of a window.
Applicant:	Mr Birinderbir Singh Mahil
Site Visit	N/A Desktop Assessment

Plans & Documents

- Application Form
- Site location Map
- Drawing No: 01 Rev A (Existing/Proposed Block Plans)

Property Type

The property comprises a detached single-family dwelling.



Material Consideration

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

Relevant Planning History

Reference	Description	Outcome	Decision Date
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20191151	Application for a minor material amendment to planning permission reference no. 20190135 for the demolition of conservatory, infill extension, front extension and porch and removal of existing roof and erection of a new replacement roof with a higher ridge height and incorporating an increase in the depth of the dwelling with a front extension, erection of a two storey front extension, two dormer extensions in the front roof slope and two dormer extensions in the rear roof slope; to allow the extension of the existing rear facing ground floor extension to provide additional garden room/dining space with rear and side facing bi folding doors and a multi-panel flat roof lantern above.	Permitted	19.12.2019
20190135	Demolition of conservatory, infill extension, front extension and porch and removal of existing roof and erection of a new replacement roof with a higher ridge height and incorporating an increase in the depth of the dwelling with a front extension, erection of a two storey front extension, two dormer extensions in the front roof slope and two dormer extensions in the rear roof slope.	Permitted	11.04.2019

Officer Assessment*Permitted Developments Rights Restrictions*

Article 2 (3) Land (AONB, Conservation Area)	N
Article 4 Direction	N
Permitted Development Rights Removed/Restricted	Y

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/A
(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 – (i) forms the principal elevation of the original dwellinghouse; or (ii) fronts a highway and forms a side elevation of the original dwellinghouse	N/A

(f)	subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and - (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 (ii) exceed 4 metres in height	N/A
(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 - (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 (ii) exceed 4 metres in height;	N/A
(h)	the enlarged part of the dwellinghouse would have more than a single storey and – (i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or (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/A
(j)	the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would – (i) exceed 4 metres in height, (ii) have more than a single storey, or (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 – (i) the construction or provision of a verandah, balcony or raised platform, (ii) the installation, alteration or replacement of a microwave antenna, (iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or (iv) an alteration to any part of the roof of the dwellinghouse	N N N N
(l)	the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses)	N/A
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)	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
(b)	any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be – (i) obscure-glazed, and (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

Officer Analysis

The application site has been previously extended under reference 20190135, as part of this permission the properties permitted development rights in relation to fenestrations in flank walls were removed. Below is condition 4 of planning permission 20190135:

4. Notwithstanding the provisions of Article 3, Part 1, Classes A and G of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 as amended, or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, no window, door or other form of opening other than those shown on the approved drawings shall be formed in either flank elevation of the extension hereby permitted. For the purposes of this condition openings shall include the insertion of cover holes for flue extracts.

Reason To avoid loss of privacy for adjoining properties in accordance with Policy CS19 of the Gravesham Local Plan: Core Strategy (September 2014).

The application did not include any elevations or floor plans and so clarity was sought from the agent regarding any proposed fenestrations. The agent has confirmed there will be no windows in the flank elevation and the alteration will only include the replacement of the garage door with a window to match the existing.

Conclusion

The proposed development complies with Schedule 2, Part 1, Classes A 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 Sharon Sahota	Team Leader:	Richard Hart
Signed:		Signed:	<i>R Hart</i>
Dated:	4th September 2024	Dated:	5th September 2024