

Delegated Report

Lawful Development Certificate (Proposed)

Application no:	20230056
Location	32 Cruden Road Gravesend Kent DA12 4HD
Proposal:	Application for a Lawful Development Certificate in respect of the proposed erection of a outbuilding.
Applicant:	Ms H Barlow
Site Visit	09.03.23

Plans & Documents

Application Form;
Drawing No. CR1 – Floor Plans, Elevations and Block Plan – Proposed;
Block Plan (received on 01.02.23) – Existing; and
OS Plan (received on 25.01.23).

Property Type

32 Cruden Road is a two storey semi-detached property.

Material Consideration

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

Relevant Planning History

There is no relevant history for this site, however another application; 20230090- Erection of a single storey rear extension, is pending consideration.

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

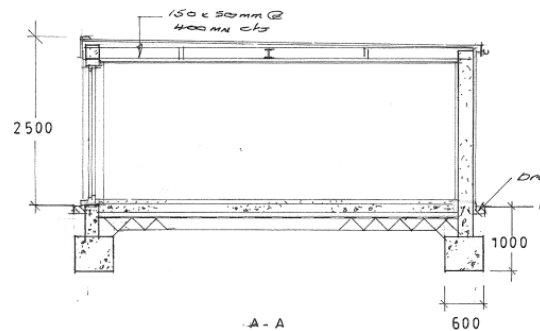
(b) a container used for domestic heating purposes for the storage of oil or liquid petroleum gas.

E.1	Development is not permitted by Class E 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)	The total area of ground covered by building, enclosures and containers within the curtilage (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)	Any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse;	N
(d)	The building would have more than a single storey;	N
(e)	The height of the building, enclosure or container would exceed – (i) 4 metres in the case of a building with a dual-pitched roof, (ii) 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of dwellinghouse, or (iii) 3 metres in any other case;	N/A N (see below)* N/A
(f)	The height of the eaves of the building would exceed 2.5 metres;	N (see below)*
(g)	The building, enclosure, pool or container would be situated within the curtilage of a listed building;	N
(h)	It would include the construction or provision of a verandah, balcony or raised platform;	N
(i)	It relates to a dwelling or a microwave antenna; or	N
(j)	The capacity of the container would exceed 3,500 litres	N
(k)	the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses)	N
E.2	In the case of any land within the curtilage of a dwellinghouse which is within – (a) An area of outstanding natural beauty; Development is not permitted by Class E if the total area of ground covered by buildings, enclosures, pools and containers situated more than 20 metres from any wall of the dwellinghouse would exceed 10 square metres.	N/A
E.3	In the case of any land within the curtilage of the dwellinghouse which is article 2(3) land, development is not permitted by Class E if any part of the building, enclosure, pool	N/A

	or container would be situated on land between a wall forming a side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse.	
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Assessment Note*

As evidenced by the section plan on drawing No. CR1, the maximum height of the outbuilding will be 2.50m and as such complies with Class E(e)(ii) and E(f):

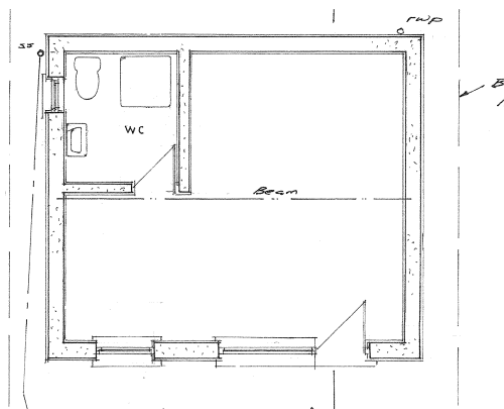


Incidental to the main dwellinghouse

Class E provides permitted development rights within the curtilage of a house. Buildings under Class E should be built for **purposes incidental** to the enjoyment of the dwellinghouse.

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 a kitchen, bedroom or bathroom and this would require planning permission. The proposed floor plan only identifies the WC (shower room) on the drawing as shown below, and the application form describes the outbuilding as a 'garden building' that is 'under PD'.



Whilst the standard text included on the drawings makes reference to construction details, these have not formed part of the assessment. As such the outbuilding is considered incidental to the main dwellinghouse. Please note, should the outbuilding be used in a manner that is **not** incidental to the main dwellinghouse then this would not be lawful and **planning permission would be required**.

Conclusion

The proposed development complies with Schedule 2, Part 1, Class E of **THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015, AS AMENDED**, and the **LAWFUL DEVELOPMENT CERTIFICATE is GRANTED**

Recommendation: <u>Grant</u> Lawful Development Certificate
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Case Officer:	Mrs Lucy Hankin	Team Leader:	Richard Hart
Signed:	L Hankin	Signed:	<i>R Hart</i>
Dated:	27th March 2023	Dated:	27th March 2023