



Delegated Report

Lawful Development Certificate (Proposed)

Application no:	20221140
Location	86 Whinfell Way Gravesend Kent DA12 4SE
Proposal:	Application for a Lawful Development Certificate in respect of the proposed installation of a rear dormer extension, installation of rooflights in the front roofslope and conversion of the roofspace to form habitable rooms.
Applicant:	Mr Stuart Wingfield
Site Visit	Desktop Assessment

Plans & Documents

Application Form;
Supplementary Information – Evidence to verify application;
Drawing No. 2022-116-01 REV A – OS Plan;
Drawing No. 2022-116-02 REV A – Block Plans - Existing and Proposed;
Drawing No. 2022-116-03 REV A – Floor Plans and Elevations - Existing; and
Drawing No. 2022-116-04 REV B – Floor Plans and Elevations – Proposed.

Plan Note

The OS Plan for the previous proposed Lawful Development Certificate (application 20220889) did not include the rear access/hardstanding area. This issue has been clarified with an amended red line boundary for this current application that includes this area.

Property Type

86 Whinfell Way is a two storey mid-terraced property.

Policies & Representations

As this is an application for a lawful development certificate under Section 192 of the Town & Country Planning Act 1990 (as amended) consultation is not required and any representations are not relevant to the assessment of the proposal. However, a neighbour representation has been received for this Lawful Development Certificate Application. The representation raised various concerns, some of which included concerns with the construction of the proposal, which falls under other legislation such as building control and The Party Wall Act 1996. An informative regarding building regulations and the party wall act will be added to the decision notice.

Material Consideration

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

Relevant Planning History

Reference	Description	Decision	Decision Date
20220889	Application for a Lawful Development Certificate in respect of the proposed installation of a rear dormer extension, installation of rooflights in the front roofslope and conversion of the roofspace to form habitable rooms.	Certificate Refused	03.10.2022
TH/6/54/91 (19540111)	Composite development of land	No Decision Notice	05.06.1957
TH/6/54/91A (19540471)	Composite development of land	Permitted	05.06.1957

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

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)	The cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than – (i) 40 cubic metres in the case of a terrace house, or (ii) 50 cubic metres in any other case;	20.51m3 N/A
(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	Y See Class G Below
(f)	The dwellinghouse is on article 2 (3) land	N
B.2	Development is permitted by Class B subject to the following conditions –	Y/N
(a)	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;	Y
(b)	The enlargement must be constructed so that – (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 (aa) the eaves of the original roof are maintained or reinstated; and (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 (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	Y Y (0.38m) N It does not
(c)	Any window inserted on 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.	N/A

Class C - Any other alteration to the roof of a dwellinghouse.

C.1	Development is not permitted by Class C if -	Y/N
(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 No protrusion shown on plans
(c)	it would result in the highest part of the alteration being higher than the highest part of the original roof;	N
(d)	it would consist of or include –	

	(i) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or (ii) the installation, alteration or replacement of solar photovoltaics or solar thermal equipment.	N/A
C.2	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- (a) obscure-glazed; and (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.	N/A

Class G – chimneys, flues etc on a dwellinghouse

The installation, alteration or replacement of a chimney, flue or soil and vent pipe on a dwellinghouse.

G.1	Development is not permitted by Class G if –	G.1
(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 height of the chimney, flue or soil and vent pipe would exceed the highest part of the roof by 1 metre or more; or	N SVP Removed
(c)	In the case of a dwellinghouse on article 2(3) land, the chimney, flue or soil and vent pipe would be installed on a wall or roof slope which (i) fronts a highway, and (ii) forms either the principal elevation or a side elevation of the dwellinghouse.	N/A
(d)	the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses)	N

Conclusion

The proposed development complies with Schedule 2, Part 1, Classes B and C and G 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 Lucy Hankin	Team Leader:	Richard Hart
Signed:	L Hankin	Signed:	<i>R Hart</i>
Dated:	6th December 2022	Dated:	6th December 2022