

Delegated Report

Lawful Development Certificate (Proposed)

Application no:	20221357
Location	Distarti, Rhododendron Avenue, Meopham, Gravesend, Kent, DA13 0TT
Proposal:	Application for a Lawful Development Certificate in respect of the proposed erection of a single storey side extension and a detached outbuilding
Applicant:	Mr C Martin
Site Visit	N/A Desktop Assessment

Plans & Documents

Application Form - dated 20/12/2022;
 Planning Statement (3704.PN) - dated 12/2022;
 Drawing no. BDS-RA-P01 - Existing Plans, Elevations and Block Plan;
 Drawing no. BDS-RA-P02 - Proposed Plans, Elevations and Block Plan;
 Drawing no. BDS-RA-P03 - Site Location Plan (scale 1:1250);
 Drawing no. BDS-RA-P100 - Existing and Proposed Block Plans, with Outbuilding Plans and Elevations.

Property Type

Distarti is a detached bungalow.

Material Consideration

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

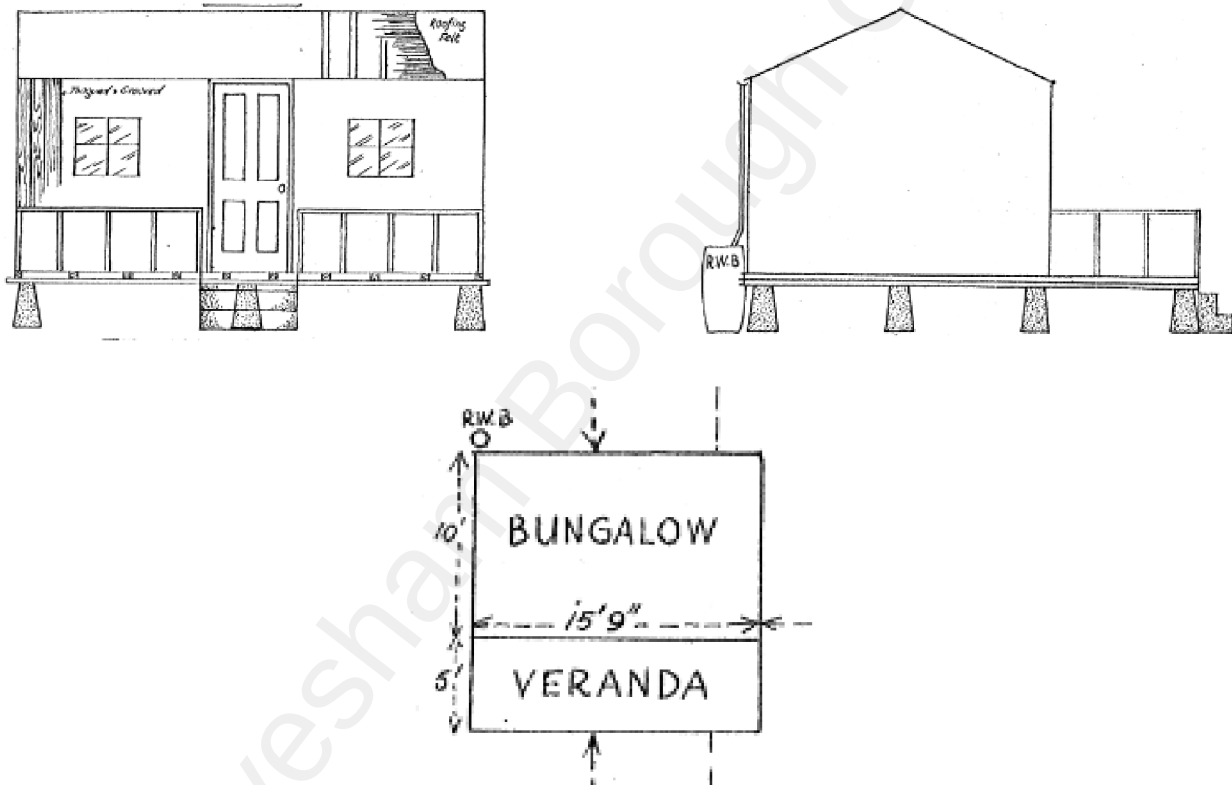
Relevant Planning History

Reference	Description	Decision	Decision Date
20221359	Application for prior approval of a proposed: Enlargement of a dwellinghouse by construction of additional storeys under Schedule 2, Part 1, Class AA.	PRIOR APPROVAL IS REQUIRED AND REFUSED	07.02.2023
20221358	Single storey rear extension with a depth of 8.00 metres, maximum height of 4.00 metres and eaves height of 2.20 metres.	PRIOR APPROVAL IS REQUIRED AND REFUSED	31.01.2023

20210319	Demolition of existing chalet bungalow and erection of a replacement 3 bed bungalow.	PERMITTED	02.06.2021
19790429	Retention of single storey extension to form kitchen at rear	REFUSED	28.06.1979
TH/6/55/24 3	Erection of dwellinghouse	REFUSED	07.12.1955
TH/6/52/10 9	Erection of chalet	PERMITTED	30.05.1952

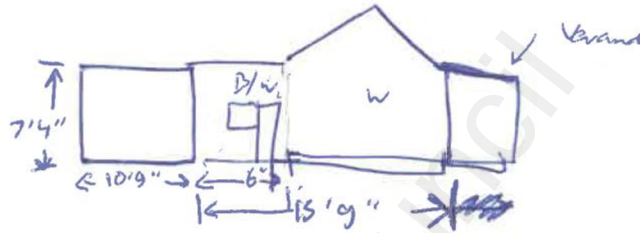
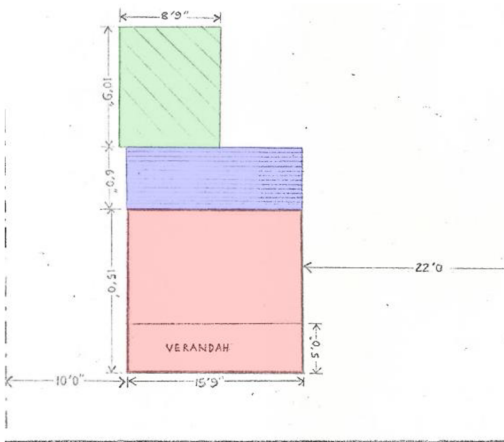
Planning History Note

The original chalet dwelling was granted permission in 1952 (ref. TH/6/52/109). It had a pitched roof with a small veranda to the front.



The original dwelling had a width of 15'9" (approx. 4.5m) and a depth of 10' (approx. 3.05m), with a 5' veranda (approx. 1.52m). As the building was constructed after 1948, the chalet shown above is considered to be the original building.

The dwelling was then extended without planning permission and was investigated by planning enforcement in 1978. There were two unauthorised extensions to the rear of the original chalet, as shown in the screenshots below:

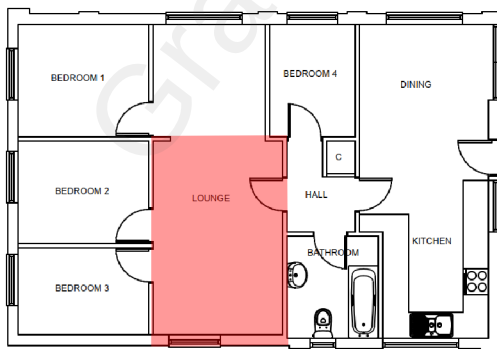


- WOODEN CHALET ERECTED UNDER REF TH6/52/109
- BRICK STRUCTURE
- BRICK / CONCRETE BLOCK STRUCTURE ERECTED SINCE SEPT. 1978

The original pitched roof of the dwelling is shown on the listing video for the auction of the property (16th June 2022 - <https://www.onthemarket.com/details/11882559/>), showing an internal vaulted ceiling of the original pitched roof (4 minutes). This provides further evidence that the original property has been extended to the rear and the video continues to show an internal flat roof to the front which would have been the veranda (4:30 minutes).



Therefore, the original dwelling was considerably smaller than the existing building and for the purpose of this application was approximately the size highlighted in the screenshots below:



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 – (i) forms the principal elevation of the original dwellinghouse; or (ii) fronts a highway and forms a side elevation of the original dwellinghouse	N N
(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	
(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 (3.764m) N Y (3.879m)
(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);	Y
(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.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

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

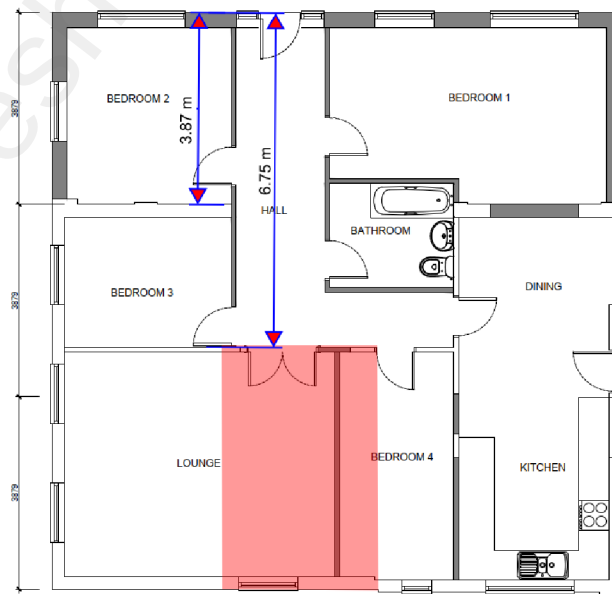
(b) a container used for domestic heating purposes for the storage of oil or liquid petroleum gas.

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 Y (3.358m) N/A
(f)	The height of the eaves of the building would exceed 2.5 metres;	N (2.488m)

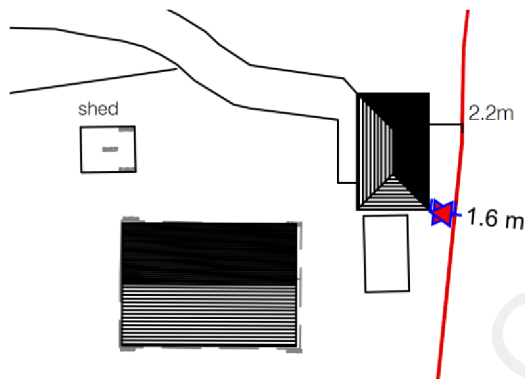
(g)	The building, enclosure, pool or container would be situated within the curtilage of a listed building;	N
(h)	It would include the construction or provision of a verandah, balcony or raised platform;	N
(i)	It relates to a dwelling or a microwave antenna; or	N
(j)	The capacity of the container would 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 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.	N

Analysis

The proposed side extension would have a greater width than half the width of the original dwellinghouse, contrary to A.1 (j) (iii) of the GPDO. As discussed previously, the original chalet bungalow was significantly smaller than the existing building and has been extended in the past, to the side and rear. The original width of the dwelling was 15'9" (approx. 4.5m), and the proposed extension has a depth of 3.879m. In addition, the extension proposed will extend upon a later addition to the original property, the width exceeds over half the original width and fails A.1 (j) (iii) and therefore fails A.1 (ja), and planning permission is required.



The proposed outbuilding is within 2m of the rear boundary and exceeds 2.5m in height, contrary to E.1 (e) (ii) of the GPDO. The plans submitted are annotated to show that the building is 2.2m from the boundary, however this was not measured from the nearest point to the boundary. As shown below, the minimum distance to the boundary is 1.6m and therefore the outbuilding fails E.1 (e) (ii) and therefore planning permission is required.



Conclusion

The proposed development does not comply with Schedule 2, Part 1, Classes A.1 (j) (iii), A.1 (ja) and E.1 (e) (ii) of **THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015, AS AMENDED**, and planning permission is required.

Recommendation:	PRIOR APPROVAL IS REQUIRED AND REFUSED	
	Name/Signature	Date
Planning Officer		16 th February 2023
Team Leader		16 th February 2023