

Delegated Report

Lawful Development Certificate (Existing Use)

Application no:	20250145
Location	23 St Johns Road Gravesend Kent DA12 2SB
Proposal:	Application for a Proposed Lawful Development Certificate to reduce height of existing outbuilding from 2750mm to 2500mm to ensure full compliance with PD rights.
Applicant:	Mr Avtar Kaushal
Site Visit	N/A Desktop Assessment

Plans & Documents

Application Form Dated 19/02/2025;
 Supplementary Information – Planning Statement;
 Drawing Number 001 Rev A (Site Location Plan with Block Plans – Existing and Proposed);
 Drawing Number 002 Rev A (Floor Plans – Existing and Proposed);
 Drawing Number 003 Rev A (Elevations – Existing); and
 Drawing Number 004 Rev A (Elevations – Proposed).

Property Type

23 St John's Road is a two storey terraced dwellinghouse.

Material Consideration

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

Relevant Planning History

Reference	Description	Decision	Decision Date
20241150	Proposed alterations to existing rear and side dormers.	Refused	25.02.2025
20240145	Retrospective application for a loft conversion with rear and side dormer and roof lights to the front. Outbuilding in the rear garden.	Refused	29.04.2024
20231277	Erection of a first floor rear extension	Permitted	05.02.2024
20231093	Erection of a first floor rear extension to include a new flank window to existing bedroom.	Refused	06.12.2023

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

Incidental to the dwellinghouse

The plans show the outbuilding is used a home gymnasium. Therefore the outbuilding is considered incidental to the enjoyment of the dwellinghouse.

Conclusion

The 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: Grant Lawful Development Certificate

Case Officer:	Mrs Nina Goodbody	Team Leader:	Mrs Faye Walsh
Signed:	<i>N Goodbody</i>	Signed:	
Dated:	7 th April 2025	Dated:	07 April 2025