

Delegated Report

Lawful Development Certificate (Proposed)

Application no:	20260586
Location	Sunny Side Round Street Cobham Gravesend
Proposal:	Application for a Proposed Lawful Development Certificate; Erection of a two storey rear extension and single storey side extension.
Applicant:	Mrs G Everitt
Site Visit	N/A Desktop Assessment

Plans & Documents

Application Form
Cover Letter
25/646/01 A – Existing Drawing
25/646/03 B – Proposed Drawing

Property Type

The property comprises a two-storey, semi-detached dwellinghouse.

Material Consideration

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

Relevant Planning History

Reference	Description	Decision	Decision Date
20260576	Application for a Proposed Lawful Development Certificate; Erection of a single storey garden building.	Pending Consideration	
20260261	Application for a Proposed Lawful Development Certificate; Demolition of existing single storey rear extension. Erection of a part two storey/part single storey rear extension. Erection of a single storey side extension.	Refused	01.05.2026
20260262	Prior approval application for a single storey rear extension with a depth of 6 metres, maximum height of 3 metres and eaves height of 3 metres.	Prior Approval Not Required	09.04.2026

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 G, M, MA, 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
(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 Single storey is 3.1m high and does not extend to the rear.
(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 3m beyond rear wall. Greater than 7m from rear boundary

		curtilage.
(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 2.4m from side boundary
(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	Y Extension is 6.1m high Extension is two-storeys Proposed rear/side is 6.3m Wide/Original is 8.m wide
(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
(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	Y Based on positioning of bathroom it is likely the soil and vent pipe would be relocated. See Class G
(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 Not explicitly states but can be included as an informative.

(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	Y No openings proposed on side elevations
(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.	Y

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 Below highest part of the roof.
(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

The assessment is based on the footprint of the “original dwellinghouse,” which is defined as the building as it existed on 1 July 1948 or as it was first built if constructed after that date.

Appeal decisions consistently treat original rear outriggers or projections as part of the “original dwellinghouse.” Consequently, the side walls of these outriggers are considered “a wall forming a side elevation” for the purposes of paragraph A.1(j).

Key appeal decisions illustrate this point:

1. **Appendix A - Havering 16/03/2022 (APP/B5480/W/21/3276533):** An inspector ruled that a demolished rear projection was part of the original dwellinghouse. The proposed extension would extend beyond the (now demolished) side wall of this projection. Because the extension’s width would be the same as the dwelling, it exceeded the limitation in A.1(j)(iii) (width greater than half the width of the original dwellinghouse) and was therefore not permitted development. The inspector reasoned that even if part of the original dwellinghouse had been demolished, it would not be precluded from remaining part of the original dwellinghouse for applying GPDO provisions.
2. **Appendix B - Croydon 09/08/2018 (APP/L5240/D/18/3194325):** An inspector found that an existing outrigger was part of the original house, not a later addition. The proposed extension would extend beyond the outrigger’s side wall, even though the outrigger was to be demolished. This meant the

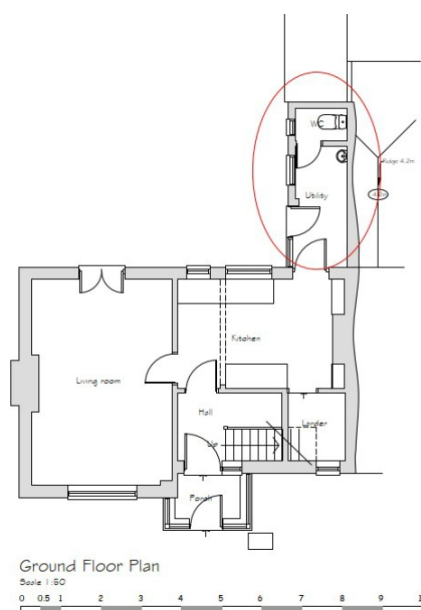


proposal extended beyond a wall forming a side elevation of the original dwellinghouse and was not permitted development.

3. **Appendix C - Kingston-Upon-Thames 11/12/2024 (APP/Z5630/D/24/3340199):** In this case, a small, staggered projection on the original rear elevation, which had already been demolished as part of a previous extension, was still considered to have formed a side wall of the original dwellinghouse. A new proposed extension was judged against this historic footprint. The inspector held that although the feature no longer existed, it had comprised part of the original dwellinghouse, and therefore the proposal did not meet the requirements of paragraph A.1(j)(iii).

The consistent approach is therefore that the demolition of a rear outrigger does not negate the limitations set out in paragraph A.1(j) of the GPDO. The assessment must be made against the footprint of the “original dwellinghouse,” including any original outriggers, regardless of whether they still exist. If a proposed extension would extend beyond the plane of a now-demolished side wall of an original outrigger, it is considered to be an extension beyond a wall forming a side elevation. As such, it must comply with the restrictions on height, number of storeys, and width relative to the original dwellinghouse as stipulated in paragraph A.1(j)(i)-(iii). Failure to comply means the development is not permitted under Class A and requires a full planning application.

The image below shows the existing layout. The proposed two-storey element of the extension would also be considered as extending beyond the side elevation of the part of the original building circle in red. The rear extension would be 6.3m wide, it would be above 4 metres in height, have more than a single storey and would be greater than half the width of the original building, thus failing part j.



This issue was flagged in the previous application under ref 20260261 for ‘*Application for a Proposed Lawful Development Certificate; Demolition of existing single storey rear extension. Erection of a part two storey/part single storey rear extension. Erection of a single storey side extension.*’ It appears that to overcome this, the new application proposes the demolition of this original outrigger and steps the two-storey extension in from this side.

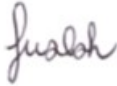
However, the central principle is that the limitations imposed by the GPDO relate to the “original dwellinghouse.” This is a fixed historical state and is not altered by subsequent demolitions. An inspector in *Haverling Appeal* ref APP/B5480/D/21/3282956 (*Appendix D*) clarified that there is no provision within the GPDO suggesting that Class A limitations cease to apply if the original walls are demolished. This decision was supported by reference to the High Court case *Arnold v SSCLG [2015]* (*Appendix E*), which established that

the starting point for assessment is the location of the original wall, based on the house's original footprint, irrespective of whether that wall has since been demolished.

Recommendation

As on the evidence above, the proposed extension fails to comply with A.1 (j) of Schedule 2, Part 1, Class A of THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015, AS AMENDED, as the extension would extend beyond an original side elevation of the dwellinghouse and would exceed 4 metres in height, have more than a single storey and have a width greater than half the width of the original dwelling.

Recommendation: Refuse Lawful Development Certificate

Case Officer:	Mrs Lisa Fisher	Team Leader:	Mrs Faye Walsh
Signed:		Signed:	
Dated:	24th July 2026	Dated:	29 July 2026