

Delegated Report

Lawful Development Certificate (Proposed)

Application no:	20260505
Location	34 Overcliffe Gravesend Kent DA11 0EN
Proposal:	Application for a Proposed Lawful Development Certificate; loft conversion to create 1 no. self contained HMO room and drying room. Dormer to rear elevation, 3 no. roof lights to front elevation and alterations to fenestration.
Applicant:	Mr Breley, Breley Design Ltd
Site Visit	N/A Desktop Assessment

Plans & Documents

Planning Application Form;
 Drawing No. 1597-01 – Existing Floor Plans;
 Drawing No. 1597-02 – Existing Elevations and Draft Section;
 Drawing No. 1597-03 – Location Plan;
 Drawing No. 1597-2-01 Rev B – Proposed Floor Plans Option 2;
 Drawing No. 1597-2-02 Rev B – Proposed Elevations Option 2; and
 Drawing No. 1597-2-03 – Existing and Proposed Block Plan.

Property Type

The property comprises of an existing detached three storey dwelling.

Material Consideration

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

Relevant Planning History

Reference	Description	Decision	Decision Date
20260506	Erection of a first and second floor side extension to create 4 No. self contained HMO rooms.	Pending Consideration	
19870222	Conversion of basement area into 4 self contained flats formation of new access onto Lennox Rd and formation of car parking area at rear of 35 Overcliffe	Permitted	04.09.1987

Officer Assessment

Permitted Developments Rights Restrictions

Article 2 (3) Land (AONB, Conservation Area)	Y
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 G, M, MA, 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;	N 17.09 cubic metres
(e)	It would consist of or include – the construction or provision of a verandah, balcony or raised platform or the installation, alteration or replacement of a chimney, flue or soil and vent pipe; or	N
(f)	The dwellinghouse is on article 2 (3) land	N
(g)	the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses); or	N
(h)	the existing dwellinghouse has been enlarged in reliance on the permission granted by Class AA (enlargement of a dwellinghouse by construction of additional storeys).	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	Y

	outside face of any external wall of the original dwelling house; and	
(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 G, M, MA, 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
(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; or	N
(e)	the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).	N
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

Officer Assessment

Although the proposed rear dormer and front rooflights would fall within the parameters to be considered a lawful alteration to a dwellinghouse, the application property does not benefit from planning permission to operate as a sui generis HMO. Whilst the submitted application form states that the existing use of the building is a sui generis HMO, there is no planning history confirming that this the lawful use of the building. As such, the proposal would result in an additional HMO room and looking at the LPA's License Register states that the occupancy of the property was lasted used for 23 persons and the current proposal would result in one additional room. This would exceed the maximum of 6 occupants allowed and as such would not comply with the limits set out in Schedule 2, Part 3, Class L of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Therefore, planning permission is required.

The Local Planning Authority considers that as the existing property is operating as a Sui Generis use (large HMO) without the benefit of planning permission. The proposed development for the rear dormers includes the provision of an additional HMO room which constitutes development and planning permission is required.

Recommendation: <u>Refuse</u> Lawful Development Certificate

Case Officer:	Ms Amanda Cue	Team Leader:	Richard Hart
Signed:	<i>A Cue</i>	Signed:	<i>R Hart</i>
Dated:	13 th July 2026	Dated:	13th July 2026