

Delegated Report

Lawful Development Certificate (Proposed)

Application no:	20240101
Location	Two Trees Rhododendron Avenue Meopham Gravesend
Proposal:	Application for a Lawful Development Certificate in respect of erection of dormer in rear roof slope; single storey rear extension with chimney; pitched roof over existing porch; and rooflights in front roof slope.
Applicant:	Mr & Mrs Watts
Site Visit	16 April 2024

Plans & Documents

Application form for a Lawful Development Certificate for a Proposed Use or Development; Drawing no. PL-133-10 Existing layouts, elevations, block plan and site location plan; and Drawing no. PL-133-10 Proposed layouts, elevations, block plan and section.

Property Type

The property comprises of a detached bungalow which has rooms in the roof space and is located on the western side of Rhododendron Avenue.

Material Consideration

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

Relevant Planning History

Reference	Description	Decision	Decision Date
20040722	Erection of a detached double garage at the front and variation of condition (9) of planning permission reference number GR/1997/741 (for the erection of the bungalow) to allow the caravan to be retained on the site and used for residential purposes after the bungalow is occupied, for a temporary period of 12 months.	Permitted	30.03.2005
19980615	Variation of conditions 3 and 7 of planning permission ref no. GR/97/741 to allow extension of the roof over the north west corner of the building and alterations to various windows including installation of velux windows in roof slopes, additional window in front elevation, installation of new windows, including a semi-circular	Permitted	19.11.1998

	window in rear elevation and installation of semi-circular window in north side elevation.		
19970741	Erection of detached bungalow and formation of vehicular access.	Permitted	24.03.1998

Officer Assessment

It should be noted that the description of the development refers to the proposal including the erection of a pitched roof over an existing porch. However, at present no porch exists and the front door is located beneath the eaves of the main roof;



Image date: 16 April 2024

The proposed drawings illustrate that a new, open porch structure would be constructed. Therefore, the description of the development should have included a reference to the erection of a front porch. The following assessment has been based on the development including a new porch.

The planning permission granted to erect the existing dwelling at the application site in 1998 (reference 19970741) included a condition that removed all the permitted development rights available under Article 3, Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The following is an extract from that planning permission;

3. Notwithstanding the provisions of Article 3 of and Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995, or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, no enlargements, improvements or other alterations to the bungalow hereby permitted shall be carried out, without the prior permission, in writing, of the District Planning Authority.

Therefore, planning permission would be required for the proposed development.

Notwithstanding the above, the following pages determine whether or not the proposal would have met the conditions and limitations of Article 3, Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Permitted Developments Rights Restrictions

Article 2 (3) Land (AONB, Conservation Area)	No
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Article 4 Direction	No
Permitted Development Rights Removed/Restricted	Yes

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
(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;	Y (4m) N
(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
(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** (6.4) Y Y (13.7m)
(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 Y Y***
(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.	Y
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* The rear extension would be physically connected to the dormer and would be built as a single act of development. Therefore, the proposal would result in a two storey extension overall.

** The chimney would form part of the rear extension and extend beyond the side wall of the dwelling and the rear extension would be connected to the dormer and be a two storey addition.

*** The rear extension/dormer construction would alter the roof of the dwelling.

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

It should be noted that the roof of the original dwelling was extended by 15 cubic metres under planning permission reference 19980615.

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;	Y Detached house and +50m³)*
(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 N
(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 –	N/A**

	(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	
(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

* The total proposed enlargement of the roof space would include the area of the dormer and the area of the roof of the rear extension. As shown in green in the images below;



In addition, the area of the existing rear enlargement would be included in the total enlargement above the original dwelling.

** The proposal would join the original roof to the roof of a rear/side extension and so there is no need to comply with the requirements of Class B.2 (b).

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*

(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 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

* The proposed rooflights appear to meet Class C.1 (b) but they are not shown on the side elevation drawing and so the proposed projection above the roof slope is not able to be measured. An informative could be used on any LDC granted to identify the 0.15m or less requirement.

Class D - The erection or construction of a porch outside any external door of a dwellinghouse.

D.1	Development is not permitted by Class D 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 ground area (measured externally) of the structure would exceed 3 square metres	Y (4.6m²)
(c)	Any part of the structure would be more than 3 metres above ground level; or	Y (3.9m)
(d)	Any part of the structure would be within 2 metres of any boundary of the curtilage of the dwellinghouse with a highway; or	N
(e)	the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses)	N

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
(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	N/A

	(i) fronts a highway, and (ii) forms either the principal elevation or a side elevation of the dwellinghouse.	
(d)	the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses)	N

Conclusion

The Article 3, Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) permitted development rights for the application property were removed by condition 3 of planning permission reference 19970741. Therefore, planning permission would be required for the proposed development.

In addition, the proposed development would not comply with the provisions of Schedule 2, Part 1, Classes A, B and D of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and as such, planning permission would be required.

Recommendation: Refuse Lawful Development Certificate

Case Officer:	Mrs Kelly Joyce	Team Leader:	Miss Faye Hobbs
Signed:		Signed:	
Dated:	23rd April 2024	Dated:	23 April 2024