

Delegated Report

Lawful Development Certificate (Proposed)

Application no:	20230950
Location	61 Milroy Avenue Northfleet Gravesend Kent
Proposal:	Application for a Lawful Development Certificate in respect of the proposed outbuilding in the rear garden to form a gymnasium.
Applicant:	Mr Kamaljit Singh
Site Visit	N/A Desktop Assessment

Plans & Documents

Application Form Dated 04/09/2023;
 Drawing Number 08A (Block Plan – Existing);
 Drawing Number D09 (Block Plan – Proposed);
 Drawing Number D010 (OS Plan);
 Drawing Number D01 (Ground and First Floor Plan – Existing);
 Drawing Number D02 (Ground and First Floor Plan – Proposed);
 Drawing Number D03 (Roof Plans – Existing and Proposed);
 Drawing Number D04 (Front and Rear Elevations – Existing);
 Drawing Number D05 (Side Elevations – Existing);
 Drawing Number D06 (Side Elevations – Proposed);
 Drawing Number D07 (Front and Rear Elevations – Proposed); and
 Drawing Number D08 (Section AA – Proposed).

Property Type

61 Milroy Avenue is a two storey semi detached dwellinghouse.

Material Consideration

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

Relevant Planning History

No relevant history

Officer Assessment

Permitted Developments Rights Restrictions

Article 2 (3) Land (AONB, Conservation Area)
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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/A N 2.5m NA
(f)	The height of the eaves of the building would exceed 2.5 metres;	N 2.5m
(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/A
E.2	In the case of any land within the curtilage of a dwellinghouse which is within – (a) An area of outstanding natural beauty;	N/A

	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.	
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

Drawing Number D02 (Ground and First Floor Plan – Proposed) shows the outbuilding is to be used as a gymnasium with shower room and storage area. Therefore, the outbuilding is considered incidental to the enjoyment of the dwellinghouse.

Conclusion

The proposed 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:	Miss Faye Hobbs
Signed:	<i>N Goodbody</i>	Signed:	
Dated:	30th October 2023	Dated:	31 October 2023