

Delegated Report

Lawful Development Certificate (Proposed)

Application no:	20241151
Location	402 Wrotham Road Gravesend Kent DA11 7PF
Proposal:	Application for a Lawful Development Certificate in respect of the formation of a parking area in front garden.
Applicant:	Mr Hugh Johnson
Site Visit	N/A Desktop Assessment

Plans & Documents

Application form for a Lawful Development Certificate for a Proposed Use or Development;
 Sheet 1 Site location plan;
 Sheet 2 Proposed block plan;
 Sheet 3 Proposed layout;
 Sheet 4 Photographs;
 Sheet 5 Details of the proposal; and
 Email from the applicant received 17 January 2025.

Property Type

The property comprises of a semi-detached, two storey dwelling with front and rear gardens.

Material Consideration

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

Relevant Planning History

Reference	Description	Decision	Decision Date
20240779	Formation of parking area in front garden.	Refused	30.10.2024

Officer Assessment

Permitted Developments Rights Restrictions

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

Class F - The provision within the curtilage of the dwellinghouse of hard surfaces incidental to the enjoyment of a dwellinghouse

Development consisting of -

- (a) the provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse as such; or**
- (b) the replacement in whole or in part of such a surface.**

F.1	Development is not permitted by Class F 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 dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses)	N
F.2	Development is permitted by Class F subject to the condition that where	Y/N
(a)	The hard surface would be situated on land between a wall forming the principal elevation of the dwellinghouse and a highway, and	Y
(b)	The area of ground covered by the hard surface, or the area of hard surface replaced, would exceed 5 square metres,	Y
	Either the hard surface is made of porous materials, or provision is made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse.	Y

The above table illustrates that the provision of the proposed hard standing would be permitted development. However, the proposed development would involve using the proposed hard standing as a driveway/parking area, i.e. the proposal constitutes the formation of an access.

Class B, Part 2 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) allows the formation of an access in certain circumstances. The wording of Class B is as follows;

- B. The formation, laying out and construction of a means of access to a highway which is not a trunk road or a classified road, where that access is required in connection with development permitted by any Class in this Schedule (other than by Class A of this Part).**

Wrotham Road (in this locality) is not a classified highway and the proposed development would be in line with Class F, Part A of the GPDO and as such, planning permission would not be required.



It is noted that the applicant proposes the use of a neighbouring dropped kerb (at no. 404 Wrotham Road) to provide vehicle access to the proposed parking area. He also suggests (in an email received 17 January 2025) the use of 'suitable non fixed kerb ramps placed in front of our property and to 404s side of the tree' to access the parking area. However, in response to planning application reference 20240779 (for a very similarly designed proposal), KCC Highways & Transportation raised an objection to the proposed vehicle access to the parking area. Therefore, whilst the proposed works to provide the parking area would be permitted development, the Highways Authority may not allow the formation of the proposed vehicle access. These issues and a recommendation for the applicant to contact KCC Highways & Transportation can be brought to the attention of the applicant, in an informative attached to the decision.

Conclusion

The proposed development complies with Schedule 2, Part 1, Class F and Schedule 2, Part 2, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and as such, planning permission would not be required and the lawful development certificate can be granted.

Recommendation: Grant Lawful Development Certificate

Case Officer:	Mrs Kelly Joyce	Team Leader:	Richard Hart
Signed:	<i>K Joyce</i>	Signed:	<i>R Hart</i>
Dated:	11th February 2025	Dated:	11th February 2025