



Application: 20240599

**TOWN AND COUNTRY PLANNING ACT 1990: SECTION 192
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2015 (AS AMENDED)**

To: **Mr Iloba Ben-Anyiwe
C/O Mr Tony Oyenuga, Teem Consult
71-75 Shelton Street
Covent Garden
London
WC2H 9JQ
United Kingdom**

REFUSAL OF CERTIFICATE OF PROPOSED LAWFUL USE OR DEVELOPMENT

GRAVESHAM BOROUGH COUNCIL has considered your application dated 25th September 2024 under the provisions of Section 192 of the above mentioned Act and has determined the use, operation or matter set out therein being:-

Application for a Lawful Development Certificate in respect of the erection of single storey rear and side extension, new front porch and loft conversion with dormer window to the rear and 3 roof lights to the front.

at **255 Rochester Road
Gravesend
Kent
DA12 4TW**

WOULD NOT HAVE BEEN LAWFUL within the meaning of the said Act and, thus, application for planning permission in respect thereof must be made and planning permission obtained before any such proposals can be carried out.

The grounds for this determination are as follows:-

1. The proposed single storey rear extension fails to comply with A.3 (a) and B.2 (a) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), as information relating to the exterior materials has not been provided.

In addition, the application fails to accord with Class D.1 (c), as the porch would exceed 3.00m above ground level.

INFORMATIVES:-

1 DECISION PLANS

For the avoidance of doubt, the forms, plans and documents upon which this decision is made comprise:

Application Form;
Supplementary Information - 3D Visuals - Existing and Proposed;
Drawing No. 645-LDC-01 - OS Plan and Block Plan - Existing and Proposed; and
Drawing No. 645-LDC-02 - Floor Plans and Elevations - Existing and Proposed.

2 FOR THE AVOIDANCE OF DOUBT

The application has been assessed with the consideration that the existing rear projections do not form part of the original dwellinghouse. In the event the proposal complied with all other requirements of the Town and Country Planning (General Permitted Development) (GPDO) (England) Order 2015 (as amended), confirmation that the single storey projection was not part of the original dwelling could have been sought from the agent, if considered necessary. This is because, if the existing rear projection was in fact part of the original dwellinghouse, the proposed rear extension would fail to accord with Class j (iii) of the GPDO- as the extension would extend beyond a wall forming a side elevation of the original dwellinghouse and would have a width greater than half the width of the original dwelling.

If the applicant decides to amend the proposal in order to accord with the GPDO and submits a fresh Lawful Development Certificate Application, it would be beneficial to note the above and provide a statement and/or plan annotations/amendments, accordingly.

Dated: 13 November 2024

Civic Centre
Windmill Street
Gravesend
Kent
DA12 1AU

Shazad Ghani
MPhil, MA, BA (Hons)
Head of Planning
Planning Service

Your attention is drawn to the following notes

NOTES

1. Any person who wishes to appeal –

- (a) against a determination of the Council under Section 195 of the Act; or
- (b) on the failure of the Council to give notice of their decision within 8 weeks of the date of the application

shall give notice of the appeal to the Secretary of State within **six months of the decision or of the expiry of the appropriate period allowed under Article 33 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 for giving such notice (two months)**, as the case may be, or such longer period as the Secretary of State may at any time allow.

- **For further information regarding Appeals and to make an application please click the relevant link:**

<https://www.gov.uk/appeal-householder-planning-decision>

<https://www.gov.uk/appeal-planning-decision>

2. Such person shall also furnish to the Secretary of State a copy of the following documents:-

- (i) the application;;
- (ii) all relevant plans, drawings, particulars and documents submitted with the application;
- (iii) the notice of the decision or determination, if any;
- (iv) all other relevant correspondence with any Local Planning Authority.