



Delegated Report

Lawful Development Certificate (Proposed)

Application no:	20240599
Location	255 Rochester Road Gravesend Kent DA12 4TW
Proposal:	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.
Applicant:	Mr Iloba Ben-Anyiwe
Site Visit	N/A Desktop Assessment

Plans & Documents

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.

Preliminary Matters

As indicated by the below Google images, the existing conservatory and single storey rear projection appear to be later additions to the dwelling.

Google Images



Considering the appearance of the projections and the character of the surrounding properties, this Lawful Development Certificate Application shall be assessed as such.

In the event that the proposed development complies with the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), confirmation that the single storey projection was not part of the original dwelling could be sought from the agent, if considered necessary. This is because if the existing rear projection was part of the original dwellinghouse, the proposed extension would fail to accord with j (iii) 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 dwellinghouse.

Property Type

255 Rochester Road is a two storey semi-detached property.

Material Consideration

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

Relevant Planning History

Reference	Description	Decision	Decision Date
20240417	Prior approval application for a single storey rear extension with a depth of 5.00 metres, maximum height of 3.00 metres and eaves height of 2.90 metres.	Prior Approval not Required	24.06.2024

Officer Assessment

Permitted Developments Rights Restrictions

Article 2 (3) Land (AONB, Conservation Area)	N
Article 4 Direction	N
Permitted Development Rights Removed/Restricted	N

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 G, M, MA, 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 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	Y (see (g)) N
(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, as per prior approval (20240417) depth is 5.00m N
(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;	N/A N/A
(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 Eaves of proposed side extension and rear extension >3.00m
(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 dwellinghouse;	N N N
(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);	N
(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 N N

(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;	Information not provided
(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 No new windows proposed
(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.	N/A

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

1, Original Roof Volume (m ³)	N/A
2. Existing Roof Extensions (m ³)	N/A
Remaining Roof Volume (m ³) formula: (1 minus 2) = X 40m ³ or 50m ³ minus X =remaining volume Officer to show calculations in case notes (indexed on NEC)	No previous extensions to roof, as such, 50m ³ allowance remains

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/A N 19.64m3
(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;	N 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;	Information not provided
(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 outside face of any external wall of the original dwelling house; and	Y Y 0.28m N it does not
(c)	Any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse must be –	N/A N/A

	(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.	
--	---	--

Class C - Any other alteration to the roof of a dwellinghouse.

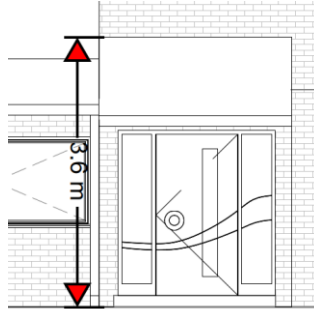
C.1	Development is not permitted by Class C if -	Y/N
(a)	permission to use the dwelling as a dwellinghouse has been granted only by virtue of Class G, M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use);	N
(b)	the alteration would protrude more than 0.15 metres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof;	N 0.10m
(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 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 N/A

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 G, M, MA, 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	N 2.93m ³
(c)	Any part of the structure would be more than 3 metres above ground level;	Y 3.60m
(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

Officers Analysis

The application does not include details of external materials. As such, insufficient information has been provided to enable A.3 (a) and B.2 (a) to be answered. If this was the only issue with the application, the agent could have been contacted to confirm whether the proposed external materials would be of a similar appearance to the existing dwellinghouse. However, the application fails to accord with Class D.1 (c), as the porch would exceed 3.00m above ground level as indicated below:



As such, planning permission is required for the development, and it is recommended the application is refused.

If the applicant decides to amend this lawful development certificate application and resubmit, the proposal would need to comply with all requirements of the order to be considered lawful. It would also be useful to include a statement regarding the existing rear projections of the dwellinghouse. If the single storey rear projection did in fact form part of the original dwellinghouse, the application would also fail to accord with j(iii) 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 dwellinghouse.

Conclusion

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.

Recommendation: Refuse Lawful Development Certificate

Case Officer:	Mrs Lucy Hankin	Team Leader:	Richard Hart
Signed:	L Hankin	Signed:	<i>R Hart</i>
Dated:	13th November 2024	Dated:	13th November 2024