

Delegated Report

Lawful Development Certificate (Proposed)

Application no:	20240673
Location	56 Kent Road Gravesend Kent DA11 0SY
Proposal:	Application for a Proposed Lawful Development Certificate in respect of the change of use into a 6 bed HMO with erection of a dormer window to rear loft elevation and internal alterations.
Applicant:	MS. Jasmine Dumasia
Site Visit	N/A Desktop Assessment

Plans & Documents

Application Form
AD/24/KEN56/BN00 Page 1 of 4 – Existing Floor Plans
AD/24/KEN56/BN00 Page 2 of 4 – Proposed Floor Plans
AD/24/KEN56/BN00 Page 3 of 4 – Existing and Proposed Front, Rear and Side Elevations
AD/24/KEN56/BN00 Page 4 of 4 – Existing and Proposed Left Elevations and Sections
Email confirming proposed materials and number of occupiers

Property Type

The property comprises mid-terraced, 4 bedroom dwellinghouse which is laid out over 3 floors (including the loft).

Material Consideration

Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)
The Town and Country Planning act 1990 (as amended); and The Use Classes Order 1987.

Consultees

There is no statutory requirement to consult third parties for applications seeking a Lawful Development Certificate. One letter on behalf of the Kent Policy Designing Out Crime Officer has been received making the following comment:

We have reviewed this application in regard to Crime Prevention Through Environmental Design (CPTED) and in accordance with the National Planning Policy Framework (NPPF).

Applicants/agents should consult us as Designing out Crime Officers (DOCO's) to address CPTED and incorporate Secured By Design (SBD) as appropriate. We use details of the site, relevant crime levels/type and intelligence information to help design out the opportunity for Crime, Fear of Crime, Anti-Social Behaviour (ASB), Nuisance and Conflict.

There is a carbon cost for crime and new developments give an opportunity to address it. Using CPTED along with attaining an SBD award using SBD guidance, policies and academic research would be evidence of the applicants' efforts to design out the opportunity for crime.

We recommend SBD guidance is utilised to address designing out crime to show a clear audit trail for Designing Out Crime, Crime Prevention and Community Safety and to meet our Local Authority statutory duties under Section 17 of the Crime and Disorder Act 1998. The points below identify my recommendations for the layout and design of this scheme.

1. Perimeter, boundary and divisional treatments must be a minimum of 1.8m high. Any alleyways must have secure side gates, which are lockable from both sides, located flush to the front building line.
2. We advise against the use of parking courts as they can create an opportunity for crime. Where unavoidable, the areas must be covered by natural surveillance from an "active" window e.g. lounge or kitchen and sufficient lighting – the same recommendations apply to on plot parking bays. In addition, we request appropriate signage for visitor bays to avoid conflict and misuse.
3. New trees should help protect and enhance security without reducing the opportunity for surveillance or the effectiveness of lighting. Tall slender trees with a crown of above 2m rather than low crowned species are more suitable than "round shaped" trees with a low crown. New trees should not be planted within parking areas or too close to street lighting. Any hedges should be no higher than 1m, so that they do not obscure vulnerable areas.
4. Lighting. Please note, whilst we are not qualified lighting engineers, any lighting plan should be approved by a professional lighting engineer (e.g. a Member of the ILP), particularly where a lighting condition is imposed, to help avoid conflict and light pollution. Bollard lighting should be avoided, SBD Homes 2019 states:

"18.3 Bollard lighting is purely for wayfinding and can be easily obscured. It does not project sufficient light at the right height making it difficult to recognise facial features and as a result causes an increase in the fear of crime. It should be avoided."
- Lighting of all roads including main, side roads, cul de sacs and car parking areas should be to BS5489-1:2020 in accordance with SBD and the British Parking Association (BPA) Park Mark Safer Parking Scheme specifications and standards.
5. All external doorsets (a doorset is the door, fabrication, hinges, frame, installation and locks) including folding, sliding or patio doors to meet PAS 24: 2022 UKAS certified standard, STS 201 or LPS 2081 Security Rating B+. Please Note, PAS 24: 2012 tested for ADQ (Building Regs) has been superseded and is not suitable for this development.
6. Windows on the ground floor or potentially vulnerable e.g. from flat roofs or balconies to meet PAS 24: 2022 UKAS certified standard, STS 204 Issue 6:2016, LPS 1175 Issue 8:2018 Security Rating 1/A1, STS 202 Issue 7:2016 Burglary Rating 1 or LPS 2081 Issue 1.1:2016 Security Rating A. Glazing to be laminated. Toughened glass alone is not suitable for security purposes.
7. Bedroom windows on the ground floor require a defensive treatment to deflect loitering, especially second bedrooms often used by children.
8. We recommend "A GUIDE FOR SELECTING FLAT ENTRANCE DOORSETS 2019" for buildings featuring multiple units, any covered access must deflect loitering that can stop residents and their visitors from using it without fearing crime. Entrance doors must be lit and designed to provide no hiding place.

9. For the main communal doors audio/visual door entry systems are required. We strongly advise against trade buttons and timed-release mechanisms, as they permit unlawful access and have previously resulted in issues with Crime and ASB.

10. Cycle and Bin Stores must be well lit and lockable, with controlled access for the residents within the flats.

11. Mail delivery to meet SBD TS009 are strongly recommended for buildings with multiple occupants along with a freestanding post box of SBD/Sold Secure approved Gold standard. If mail is to be delivered within the lobby, there must be an access-controlled door leading from the lobby to the apartments/ stairs on the ground floor to prevent access to all areas. 12. CCTV is advised for all communal entry points and to cover the mail delivery area.

If approved, site security is required for the construction phase. There is a duty for the principle contractor “to take reasonable steps to prevent access by unauthorised persons to the construction site” under the Construction (Design and Management) Regulations 2007. The site security should incorporate plant, machinery, supplies, tools and other vehicles and be site specific to geography and site requirements.

We welcome a discussion with the applicant/agent about site specific designing out crime. If the points above are not addressed, they can affect the development and local policing.

This information is provided by Kent Police DOCO’s and refers to situational crime prevention. This advice focuses on CPTED and Community Safety with regard to this specific planning application.

Neighbour comments

As above, there is no statutory requirement to consult third parties including neighbours for applications seeking a Lawful Development Certificate. However, 14no. comments of objection have been received. These cannot be considered in making the assessment on this application as whether the application is acceptable, is dependent on strict adherence to development allowed under permitted development rights only. If the scheme complies with permitted development right requirements, for this type of application, the lawful development certificate must be granted and no other matters can be considered.

Relevant Planning History

No relevant planning history.

Officer Assessment

Permitted Developments Rights Restrictions

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



Whether the proposed dormer roof extension to the rear, as shown in the propose1, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015.

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

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 Does not exceed height of dwellinghouse
(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 Does not extend beyond plane of existing roof slope
(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;	(i) Volume is 13.89m ³ (ii) N/A
(e)	It would consist of or include –	N

	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	
(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;	Y Written confirmation received
(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 (aa) eaves retained. (bb) 0.2m setback from eaves (ii) Does not extend beyond face of any external wall
(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

Change of Use

The second part of the assessment relates to the change of use into a 6 bed HMO. The proposed floor plans proposed a total of 6 bedrooms spread across three floors including converted and extended loft), with 6 show and wc's and a shared kitchen and dining area.

The Town and Country Planning (Use Classes) Order 1987, assigns use classes to various uses. In the case of small HMO's the legislation designates this as use Class C4 with the description of; '*Small shared houses occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom.*'. Class L, Part 3, Schedule 2 of the GPDO, allows for conversion from C3 (dwellinghouses) to C4 (Houses in Multiple Occupation), without requiring planning permission, where certain criteria are met.

Part 3, Schedule 2 of the GPDO

Class L – Small HMOs to dwelling houses and vice versa**Permitted Development:**

L	Development consisting of a change of use of a building -	Y/N
(a)	From a use falling within Class C4 (houses in multiple occupation) of the Schedule to the Use Classes Order, to a use falling within Class C3 (dwelling houses) of that Schedule	N/A
(b)	From a use falling within Class C3 (dwelling houses) of the Schedule to the Use Classes Order, to a use falling within Class C4 (houses in multiple occupation) of that Schedule;	Y
L.1	Development is not permitted by Class L if it would result in the use-	
(a)	As two or more separate dwelling houses falling within Class C3 (dwelling houses) of the Schedule to the Use Classes Order of any building previously used as a single dwelling house within Class C4 (houses in multiple occupation) of that Schedule; or	N/A
(b)	As two or more separate dwelling houses falling within Class C4 (houses in multiple occupation) of the Schedule to the Use Classes Order of any building previously used as a single dwelling house within Class C3 (dwelling houses) of that Schedule.	N/A

Conclusion & Recommendation

The submitted plans show the property as altered would have 6 bedrooms; spread across 3 floors. Although some appear to contain double beds in the plans, the agent has provided written confirmation that the HMO would serve 6 individuals. The proposed small HMO falls within the above limits set out in Schedule 2, Part 3, Class L of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and would comply with the definition of C4 (Houses in Multiple Occupation), as set out within The Town and Country Planning (Use Classes) Order 1987. The external alteration includes a dormer roof extension to the rear roof slope. This alteration as assessed above complies with the requirements of Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Therefore, planning permission is not required, and a Lawful Development Certificate can be issued.

Recommendation: Grant Lawful Development Certificate

Case Officer:	Mrs Lisa Fisher	Team Leader:	Richard Hart
Signed:		Signed:	R Hart
Dated:	30th August 2024	Dated:	2 nd September 2024