



Delegated Report

Lawful Development Certificate (Proposed)

Application no:	20240265
Location	24 Great Clayne Road Gravesend Kent DA12 2FG
Proposal:	Application for a Lawful Development Certificate in respect of the erection of a rear dormer loft conversion with rooflights.
Applicant:	Mrs. A. Ayling
Site Visit	N/A Desktop Assessment

Plans & Documents

Application Form Dated 19/03/2024;
Block Plan and OS Plan;
Drawing Number BL072 – 01 (Floor Plans – Existing);
Drawing Number BL072 – 02 (Elevations – Existing);
Drawing Number BL072 – 03 (Floor Plans – Proposed); and
Drawing Number BL072 – 04 (Elevations – Proposed).

Property Type

24 Great Clayne Road is a two storey semi-detached dwellinghouse.

Material Consideration

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

Relevant Planning History

Reference	Description	Decision	Decision Date
20110197	Outline application for residential development for up to 130 units together with new site access, associated open space, landscaping and related flood accommodation works.	Permitted	27.03.2014
20151266	Reserved Matters application for the approval of layout, scale, appearance and landscaping (Conditions 1-4) and Land Raising (Condition 5), Landscaping Strategy (Condition 6), Parking Layout (Condition 7), Refuse Storage (Condition 8), Visibility Splays (Condition 9), Noise (Condition 10), Flood Resilient Construction (Condition 11), Construction Practice (Condition 12), Contaminated Land (Condition 13(a)), Facing and Roofing Materials (Condition 15 - partial), Surface Finishes (Condition 16 - partial), Boundary Enclosures (Condition 17), Archaeology (Condition 18), Open Space (Condition 19), SSSI Restoration Plan (Condition 20), Reptile Habitat Mitigation Strategy (Condition 22), Pedestrian Link Widening (Condition 23), Surface Water Drainage (Condition 24), Foul/Surface Water Sewerage (Condition 25) and Travel Plan (Condition 26) pursuant to outline application reference number 20110197 for residential development of up to 130 no. dwellings together with new site access, associated open space, landscaping and related flood accommodation works.	ADET	15.04.2016

Officer Assessment

Permitted Developments Rights Restrictions

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

Application 20151266 details the following condition:

Notwithstanding the provisions of Article 3, Part 1, Classes B and C of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any provision equivalent to those Classes in any statutory instrument revoking and re-enacting that Order, no roof alteration or enlargement shall be carried out to any of the dwellings hereby approved unless a specific grant of planning permission has been given by the Local Planning Authority.

The reason for this condition is:

In order that any proposal for roof alterations or enlargement may be the subject of a separate planning application which the Local Planning Authority would wish to consider on its merits, having specific regard to design and protecting residential amenity.

Whilst the above condition relates to the 1995 GPDO it is clear using *Dunnett Investments Limited [2017] EWCA Civ 192* and *Trump International Golf Club Scotland Limited v Scottish Ministers [2015] UKSC 74* case

law, that the above condition is sufficiently clear to exclude the operation of Classes B and C from Article 3 of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 (as Amended) and to prevent any enlargement, improvement or other alterations to the dwelling without the prior written permission of the Local Planning Authority having first been obtained.

Conclusion

The Article 3, Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) permitted development rights for the application property were removed by condition 18 of planning permission reference 20151266. Therefore, planning permission would be required for the proposed development and the lawful development certificate is refused.

Recommendation: Refuse Lawful Development Certificate

Case Officer:	Mrs Nina Goodbody	Team Leader:	Richard Hart
Signed:		Signed:	
Dated:	9 th July 2024	Dated:	9 th July 2024