

# Delegated Report

## Lawful Development Certificate (Proposed)

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**Application no:** 20240523

**Location** 15 Sapho Park Gravesend Kent DA12 4NA

**Proposal:** Application for a Lawful Development Certificate for a proposed conversion of detached garage to a home office, storage area and w/c.

**Applicant:** Adina Ciuche

**Site Visit** N/A Desktop Assessment

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### Plans & Documents

- Application form;
- Block Plan;
- Site Location Plan and Elevations and Floor Plans - Existing and Proposed.

### Property Type

The application site is located on the south-eastern side of Sapho Park. It comprises a semi-detached dwelling that has previously been extended and contains various outbuildings in the side/rear garden, including a garage and swimming pool.

### Material Consideration

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

### Relevant Planning History

| Reference | Description                                                                                                                                                                                | Decision            | Decision Date |
|-----------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|---------------|
| 20160590  | Application for a Lawful Development Certificate in respect of the proposed construction of a dormer extension in the rear roof slope and conversion of roof space into a habitable rooms. | Certificate Granted | 30.06.2016    |
| 20040425  | Renewal of planning permission reference number GR/1999/163 for the erection of a single storey rear extension to form enlarged kitchen.                                                   | Permitted           | 29.06.2004    |
| 19990163  | Erection of single storey rear extension to form enlarged kitchen                                                                                                                          | Permitted           | 10.05.1999    |
| 19870202  | Erection of single storey side extension to form kitchen                                                                                                                                   | Permitted           | 28.05.1987    |

|          |                         |           |            |
|----------|-------------------------|-----------|------------|
| 19770629 | Erection of front porch | Permitted | 08.09.1977 |
|----------|-------------------------|-----------|------------|

## Officer Assessment

### *Permitted Developments Rights Restrictions*

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

The proposal relates to the conversion of the existing detached garage to a home office, storage area and w/c. The existing garage doors would be removed. The opening would be bricked up and would incorporate a door and window. The existing canopy to the front of the garage would also be removed.

In determining whether this proposal constitutes “permitted development”, it needs to be considered against the provisions of Class E of Part 1 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Class E relates to the following:

*Class E - The provision within the curtilage of the dwellinghouse of –*

*(a) any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure; or*

*(b) a container used for domestic heating purposes for the storage of oil or liquid petroleum gas.*

The existing garage building is located within the curtilage of the dwellinghouse. Furthermore, the proposed works would relate to the maintenance, improvement or other alteration of this building. In these respects, the proposal would meet the above description of permitted development.

This proposal also involves the use of the building as a “home office, storage area and w/c”. On the basis that the building would be used for a “home office” (rather than a commercial office which is visited by customers and clients) and that the storage area and wc would be used in conjunction with this use, the building would be considered to be “required for a purpose incidental to the enjoyment of the dwellinghouse”. If a certificate were to be granted, an informative could be added advising that the decision has been made on the basis that the use of the building would be for a “home office”.

In light of the above, the proposal would meet the description of permitted development set out in Class E. It is therefore necessary to determine whether the proposed development meets the criteria set out in paragraphs E.1 - E.3 of Class E. These paragraphs set out those circumstances where development would not be considered to be permitted development under Class E. This analysis is set out in the table below:

**Class E - The provision within the curtilage of the dwellinghouse of –**

**(a) any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure; or**

**(b) a container used for domestic heating purposes for the storage of oil or liquid petroleum gas.**

| <b>E.1</b> | <b>Development is not permitted by Class E if –</b>                                                                                                                                                                                                                                                                                                                  | <b>Y/N</b>      |
|------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|
| <b>(a)</b> | 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>(b)</b> | The total area of ground covered by building, enclosures and containers within the curtilage (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);                                                                                                                  | N               |
| <b>(c)</b> | Any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse;                                                                                                                                                                                                    | N               |
| <b>(d)</b> | The building would have more than a single storey;                                                                                                                                                                                                                                                                                                                   | N               |
| <b>(e)</b> | The height of the building, enclosure or container would exceed –<br><br>(i) 4 metres in the case of a building with a dual-pitched roof,<br>(ii) 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of dwellinghouse, or<br>(iii) 3 metres in any other case;                                            | N<br><br>N<br>N |
| <b>(f)</b> | The height of the eaves of the building would exceed 2.5 metres;                                                                                                                                                                                                                                                                                                     | N               |
| <b>(g)</b> | The building, enclosure, pool or container would be situated within the curtilage of a listed building;                                                                                                                                                                                                                                                              | N               |
| <b>(h)</b> | It would include the construction or provision of a verandah, balcony or raised platform;                                                                                                                                                                                                                                                                            | N               |
| <b>(i)</b> | It relates to a dwelling or a microwave antenna;                                                                                                                                                                                                                                                                                                                     | N               |
| <b>(j)</b> | The capacity of the container would exceed 3,500 litres                                                                                                                                                                                                                                                                                                              | N/A             |
| <b>(k)</b> | the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses)                                                                                                                                                                                                                                                                       | N               |
| <b>E.2</b> | In the case of any land within the curtilage of a dwellinghouse which is within –<br><br>(a) An area of outstanding natural beauty;<br><br>Development is not permitted by Class E if the total area of ground covered by buildings, enclosures, pools and containers situated more than 20 metres from any wall of the dwellinghouse would exceed 10 square metres. | N/A             |
| <b>E.3</b> | In the case of any land within the curtilage of the dwellinghouse which is article 2(3) land, development is not permitted by Class E if any part of the building, enclosure, pool or container would be situated on land between a wall forming a side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse.                       | N/A             |

The proposed development meets the criteria set out in paragraphs E.1 - E.3 of Class E.

In light of the above considerations, this proposal complies with Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended. A planning application would not therefore be required for the proposed use of the outbuilding and associated works. As such it is recommended that a Lawful Development Certificate is granted.

### **Recommendation:**

GRANT the Lawful Development Certificate (proposed)

The proposed development complies with Schedule 2, Part 1, Class E of THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015, AS AMENDED and the LAWFUL DEVELOPMENT CERTIFICATE is GRANTED

### **INFORMATIVES**

#### **1 DECISION PLANS**

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

- Application form;
- Block Plan;
- Site Location Plan and Elevations and Floor Plans - Existing and Proposed.

#### **2. USE AS HOME OFFICE**

This Certificate is granted on the understanding that the building will be used as a “home office” by the occupier of the dwelling and will not be used for commercial purposes.

|                      |               |                     |                             |
|----------------------|---------------|---------------------|-----------------------------|
| <b>Case Officer:</b> | Gary Edwards  | <b>Team Leader:</b> | Richard Hart                |
| <b>Signed:</b>       | Gary Edwards  | <b>Signed:</b>      | <i>R Hart</i>               |
| <b>Dated:</b>        | 7 August 2024 | <b>Dated:</b>       | 7 <sup>th</sup> August 2024 |