



Delegated Report

Application No: 20211039

Location: 9 Ashmore Gardens, Northfleet, Gravesend, Kent, DA11 8NE

Description: Application for Lawful Development Certificate for proposed construction of a rear dormer in the roof slope and conversion of the roof space into habitable rooms.

Applicant: Mr Jason Bayliff

Site Visit Date: Desktop assessment

Submitted Documents/Plans

The applicant has submitted the following in support of the application:

Application form received 13 August 2021;
Drawing (Proposed Loft Conversion) received 13 August 2021;
OS Plan received 19 August 2021;
Drawing no. KL/9B (Existing Plans and Elevations) received 20 August 2021; and
Supporting letter from Realm Consultancy dated 1 September 2021 received 2 September 2021.

Relevant Planning History

<u>Application ref.</u>	<u>Description</u>	<u>Status</u>	<u>Decision</u>
20210204	Installation of roof lights in the rear elevation.	Permitted	14.04.2021
20200433	Proposed loft conversion	Refused	14.07.2020
19980057	Erection of 3 no two storey dwellings in substitution of the dwellings previously approved by planning permission ref no. GR/96/838 on plots 1, 3 and 5.	Permitted	24.03.1998
19960838	Erection of 61no. dwellings comprising of 18 no. two bedroom houses, 18 no. three bedroom houses and 25 no. four bedroom houses with associated garaging and parking spaces and formation and laying out of roads and 4 no. open space areas.	Permitted	30.09.1997

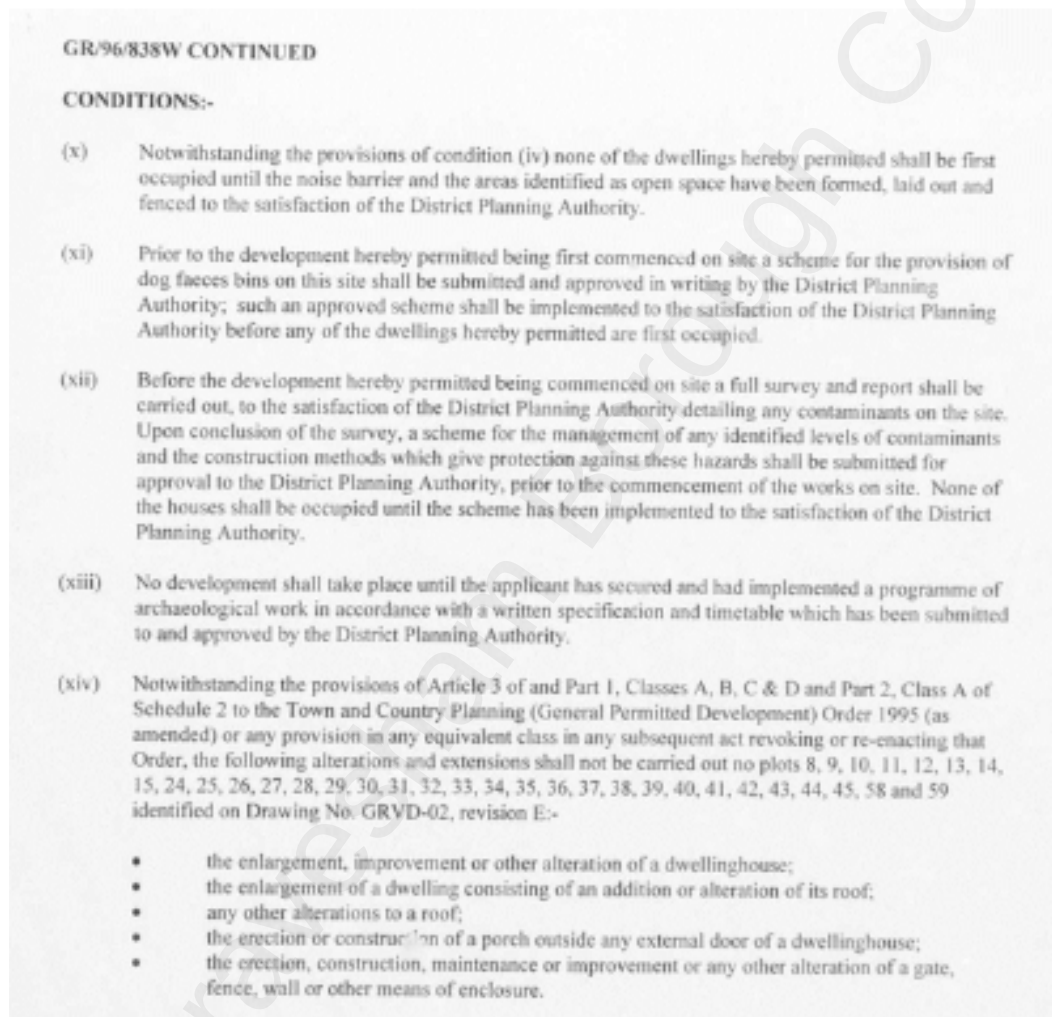
Property Type

9 Ashmore Gardens is a two storey detached property in use as a single dwelling within a residential area within the urban boundary.

Proposal

The proposal involves the proposed construction of rear dormer in the roof slope and conversion of the roof space into habitable rooms.

As a result of the planning history, the following must be considered. The Supporting Statement asserts that condition (xiv) of planning permission GR/96/838W, which originally granted the housing development that included the application property, removed specific permitted development rights for specific plots (see extract below):



The application property formed Plot 4 on specified drawing no. GRVD-02 Rev. E (see extract below) and therefore is subject to normal permitted development rights, as it is not one of the plots mentioned in the condition:



It is on this basis that the application must be considered.

Development Plan

Due to the nature of this application, the adopted plan and national planning policies are not relevant since it relates to whether the proposed extension falls under permitted development.

Planning Legislation

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

Officer Assessment

Permitted Developments Rights Restrictions

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

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 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 (total 33.8m ³)
(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 –	
(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
(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	Y Y (0.6m)

	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	N
(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 N/A

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 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
(c)	it would result in the highest part of the alteration being higher than the highest part of the original roof; or	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

Conclusion

The proposed rear dormer extension falls within the above limits set out in Schedule 2, Part 1, Classes B and C 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		
	Name/Signature	Date
Planning Officer	K. Parkin	11/10/2021
Team Leader		11 October 2021