



Delegated Report

Lawful Development Certificate (Proposed)

Application no:	20230565
Location	Blue Ash, 86 Rhododendron Avenue Meopham Gravesend
Proposal:	Application for a Lawful Development Certificate in respect of the proposed two storey rear extension, single storey side extension, front porch 3no. x roofline 'Velux' style roof windows to front.
Applicant:	Mr Julian Roberts
Site Visit	N/A Desktop Assessment

Plans & Documents

Application Form;
Supplementary Information – Supporting Statement;
Block Plan as Existing (received on 15.06.23);
Floor Plans as Proposed (received on 15.06.23);
Elevations as Proposed (received on 31.05.23);
Site Plan as Proposed (received on 26.05.23);
Block Plan as Proposed (received on 26.05.23);
Drawing No. 1662.WD.04 – Elevations Front and Side as Existing;
Drawing No. 1662.WD.05 – Elevations Rear and Side as Existing; and
Drawing No. 1662.WD.01 – Floor Plans Block Plan as Existing with Site Location Plan.

Property Type

Blue Ash, 86 Rhododendron Avenue is a detached bungalow.

Material Consideration

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

Relevant Planning History

Reference	Description	Decision	Decision Date
20130841	Erection of a detached garage.	Permitted	01.11.2013
19990472	Retention of the attached garden shed at the side.	Refused	02.09.1999
AP1999/00015/REF)		Allowed	16.03.1999

19910409	Erection of detached bungalow with detached garage at the front and construction of a cesspool.	Permitted	16.07.1991
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Officer Assessment*Permitted Developments Rights Restrictions*

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

Planning permission reference 19910409, 'Erection of detached bungalow with detached garage at the front and construction of a cesspool' removes permitted development rights for the property as shown below under condition 3:

(iii) Notwithstanding the provisions of Article 3 of and Part 1 of Schedule 2 to the Town and Country Planning General Development Order 1988 (as amended) or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, no enlargements, improvements or other alterations to the extended bungalow hereby permitted shall be carried out without the prior permission, in writing, of the District Planning Authority.

Grounds:

(iii) In order to comply with the Borough Council's policy for controlling residential development in the Green Belt generally and in the Culverstone Valley Area in particular.

Whilst the above condition relates to the 1988 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 establish that any enlargement, improvement or other alterations would not be permitted under Article 3 of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 (as Amended) without the prior written permission of the Local Planning Authority having first been obtained.

Overall Analysis

As set out above, permitted development rights have been removed for the property and therefore the extensions hereby proposed require planning consent.

Had the property benefitted from permitted development a full assessment of the plans would have been carried out. However, in this instance the applicant has not provided information with sufficient clarity or precision, that would allow a definitive determination as to whether the proposal would be permitted development due to numerous errors and inconsistencies within the plans provided.

Conclusion

The proposed development does not meet the criteria found within the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended. This is because permitted development rights have been removed for the enlargement, improvement or other alterations of the property under application

19910409, which states that no development shall be carried out without permission from the Local Planning Authority.

As the above condition removes the applicant's right to carry out the said development under permitted development rights, the Lawful Development Certificate is refused and planning permission is required.

Recommendation: <u>Refuse</u> Lawful Development Certificate			
Case Officer:	Mrs Lucy Hankin	Team Leader:	Miss Faye Hobbs
Signed:	L Hankin	Signed:	
Dated:	03.08.2023	Dated:	04 August 2023