



Application: 20221067

**TOWN AND COUNTRY PLANNING ACT 1990: SECTION 192
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2015 (AS AMENDED)**

To: **Mr P Chitale
C/O Mr Maciej Walczuk, ProArc Architects
42 Valley Road
Gillingham
ME7 2EU
United Kingdom**

REFUSAL OF CERTIFICATE OF PROPOSED LAWFUL USE OR DEVELOPMENT

GRAVESHAM BOROUGH COUNCIL has considered your application dated 5th October 2022 under the provisions of Section 192 of the above mentioned Act and has determined the use, operation or matter set out therein being

Application for a Lawful Development Certificate in respect of the proposed change of use from class C3 to C4 conversion of existing dwelling to six person house of multiple occupancies (HMO) including construction of a dormer window to rear, installation of roof light to front and rear chimney removal.

at **29 Cross Lane East
Gravesend
Kent
DA12 5HD**

WOULD NOT HAVE BEEN LAWFUL within the meaning of the said Act and, thus, application for planning permission in respect thereof must be made and planning permission obtained before any such proposals can be carried out.

The grounds for this determination are as follows:

- 1 Under Class B.1(d)(i), a terraced house can alter or construct an addition to its roof as long as it does not exceed 40 cubic metres. The plans indicate the proposed development would exceed this at 41.63m³ and therefore fails to comply with the order. Additionally, under B.2(b)(i)(bb), the enlargement should be set back 0.20 metres from the eaves of the original roof, the elevations show the proposed development fails to comply with this as the set back measures at 0.18m. Furthermore, not enough information was provided to establish if the proposal complies with B.2(c)(i) and (ii) as only one side elevation is shown. Although it is understood the property is mid-terrace, there could be space for a side window above the outrigger roof line, and this is not shown on the plans.

Therefore, the proposed development fails to comply with THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015, AS AMENDED, and the LAWFUL DEVELOPMENT CERTIFICATE is **REFUSED**.

INFORMATIVES:-

- 1 **DECISION PLANS**

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

Application Form; and
Drawing No. 2229_PL01 - Block Plans Elevations and Floor Plans - Existing and Proposed with Site Location Plan.

Dated: 28 November 2022

Civic Centre
Windmill Street
Gravesend
Kent
DA12 1AU

Wendy Lane MRTPI
Assistant Director (Planning)
Planning Service

Your attention is drawn to the following notes NOTES

1. Any person who wishes to appeal –

(a) against a determination of the Council under Section 195 of the Act; or

(b) on the failure of the Council to give notice of their decision within 8 weeks of the date of the application

shall give notice of the appeal to the Secretary of State within **six months of the decision or of the expiry of the appropriate period allowed under Article 33 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 for giving such notice (two months)**, as the case may be, or such longer period as the Secretary of State may at any time allow.

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

2. Such person shall also furnish to the Secretary of State a copy of the following documents:-

(i) the application;;

(ii) all relevant plans, drawings, particulars and documents submitted with the application;

(iii) the notice of the decision or determination, if any;

(iv) all other relevant correspondence with any Local Planning Authority.