

Delegated Report

Lawful Development Certificate (Proposed)

Application no:	20221067
Location	29 Cross Lane East Gravesend Kent DA12 5HD
Proposal:	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.
Applicant:	Mr P Chitale
Site Visit	Desktop Assessment

Plans & Documents

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

Property Type

29 Cross Lane East is a two storey mid-terraced property.

Policies & Representations

Not applicable, this is an application for a lawful development certificate under Section 192 of the Town & Country Planning Act 1990 (as amended). Therefore, the representations received for this application are not relevant.

Material Consideration

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

Relevant Planning History

No relevant history.

Procedural Note

This application proposes the conversion of a three bedroom single use dwellinghouse to a six bedroom HMO, incorporating an L shaped dormer in the rear roof slopes with other alterations to facilitate two bedrooms with ensuites in the roof space.

Permitted Development Rights for HMOs

The proposed floor plans show 6 separate bedrooms, 5 with en-suites, with the kitchen, dining room, WC and bathroom as shared facilities. Therefore, 29 Cross Lane East would function as a private domestic dwellinghouse, and not as separate self-contained units. As such, the property would benefit from permitted development rights.

Officer Assessment*Permitted Developments Rights Restrictions*

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

This application proposes the construction of a rear dormer, installation of rooflight in the front elevation, relocation of SVP and removal of the chimney, which will be assessed in the table below, under Classes B, C and G of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Additionally, this application proposes the change of use of the property from C3 (dwellinghouse) to C4 (house in multiple occupation) and therefore this will be assessed separately in the additional table and paragraph below, under Class L of Schedule 2 Part 3 of the General Permitted Development (England) Order 2015 (as amended).

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, 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 Not higher than the main roof
(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;	Y 41.63m3 N/A
(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; or	N Y See Class G
(f)	The dwellinghouse is on article 2 (3) land	N
B.2	Development is permitted by Class B subject to the following conditions –	Y/N

(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 (as per the form)
(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 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	Y N 0.18m N it does not
(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.	Not enough information provided- only one side elevation shown

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, 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 No projection is shown on the plans
(c)	it would result in the highest part of the alteration being higher than the highest part of the original roof;	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.	N 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
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Class G – chimneys, flues etc on a dwellinghouse

The installation, alteration or replacement of a chimney, flue or soil and vent pipe on a dwellinghouse.

G.1	Development is not permitted by Class G if –	G.1
(a)	Permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (changes of use)	N
(b)	The height of the chimney, flue or soil and vent pipe would exceed the highest part of the roof by 1 metre or more; or	N Chimney removal. Pipe is 0.19m above main roof
(c)	In the case of a dwellinghouse on article 2(3) land, the chimney, flue or soil and vent pipe would be installed on a wall or roof slope which (i) fronts a highway, and (ii) forms either the principal elevation or a side elevation of the dwellinghouse.	N/A
(d)	the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses)	N/A

Assessment under Class L Schedule 2 Part 3 of the General Permitted Development (England) Order 2015 (as amended)

Class L – Small HMOs to Dwellinghouse and vice versa

L.	Development consisting of a change of use of a building -	Y/N
(a)	from a use falling within Class C4 (house of multiple occupation) of the Schedule to the Use Classes Order, to a use falling within Class C3 (dwellinghouses) of that Schedule;	N/A
(b)	from a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order, to a use falling within Class C4 (houses in multiple occupation) of that Schedule	Y
L.1	Development is not permitted by Class L if it would result in the use -	
(a)	as two or more separate dwellinghouses falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order of any building previously used as a single dwellinghouse falling within Class C4 (houses in multiple occupation) of that Schedule; or	N
(b)	as two or more separate dwellinghouses falling within Class C4 (houses in multiple occupation) of that Schedule of any building previously used as a single dwellinghouse falling within Class C3 (dwellinghouses) of that Schedule.	N

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C3 Dwellinghouses can be converted to a C4 House of Multiple Occupation (HMO) for no more than six (unrelated) people who share amenities, provided it meets the criteria set out in Class L above.

29 Cross Lane East is in use as a single dwellinghouse and is proposed to be converted to one HMO and therefore complies with Class L.

Conclusion

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**.

Recommendation: <u>Refuse</u> Lawful Development Certificate

Case Officer:	Mrs Lucy Hankin	Team Leader:	
Signed:	L Hankin	Signed:	
Dated:	28th November 2022	Dated:	