

Delegated Report

Lawful Development Certificate (Proposed)

Application no:	20211331
Location	54 St James Avenue Gravesend Kent DA11 0EY
Proposal:	Application for a Lawful Development Certificate in respect of the proposed erection of a single storey rear extension.
Applicant:	Mr And Mrs Dezider And Andrea Horvath And Jackova
Site Visit	N/A Desktop Assessment

Plans & Documents

Application Form Dated 22/10/2021;
Drawing Number J21 08.PD-01 (Site Location Plan and Block Plans – Existing and Proposed); and
Drawing Number J21 08.PD-02 / 03 / 04 / 05 / 06 / 07 / 08 / 09 (Elevations and Floor Plans – Existing;
Elevations, Floor Plans, Sections – Proposed).

Property Type

54 St James Avenue is a two-storey end of terrace dwelling house.

Material Consideration

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

Relevant Planning History

Application No.	Description	Status	Decision
20211329	Single storey rear extension with a depth of 4.32 metres, maximum height of 3.16 metres and eaves height of 3.00 metres.	Prior Approval is Required and Refused	26.11.2021
20210449	Erection of a single storey and part two storey rear extension.	Refused	08.06.2021

Officer Assessment

Permitted Developments Rights Restrictions

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

Class A - The enlargement, improvement or other alteration of a dwellinghouse

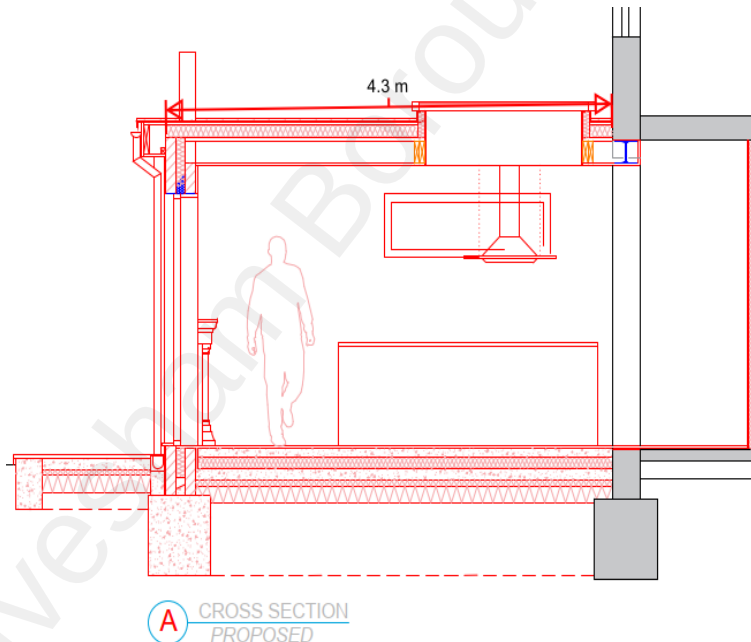
A.1	Development is not permitted by Class A if –	Y/N
(a)	permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (changes of use)	N
(b)	as a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse)	N
(c)	the height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse	N
(d)	the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse	N
(e)	the enlarged part of the dwellinghouse would extend beyond a wall which – (i) forms the principal elevation of the original dwellinghouse; or (ii) fronts a highway and forms a side elevation of the original dwellinghouse	N N
(f)	subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and – (i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or (ii) exceed 4 metres in height	Y 4.3m N 3m
(g)	for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and - (i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or (ii) exceed 4 metres in height;	N 4.3m N 3m
(h)	the enlarged part of the dwellinghouse would have more than a single storey and – (i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or	N/A

	(ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse being enlarged which is opposite the rear wall of that dwellinghouse;	N/A
(i)	the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres	N 3m
(j)	the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would – (i) exceed 4 metres in height, (ii) have more than a single storey, or (iii) have a width greater than half the width of the original dwelling; or	N 3m N Y 5.5m
(ja)	any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (e) to (j);	Y J (iii)
(k)	it would consist of or include – (i) the construction or provision of a verandah, balcony or raised platform, (ii) the installation, alteration or replacement of a microwave antenna, (iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or (iv) an alteration to any part of the roof of the dwellinghouse	N N N N
(l)	the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses)	N
A.2	In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if –	Y/N
(a)	it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;	N/A
(b)	the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or	N/A
(c)	the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse.	N/A
(d)	any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (b) and (c).	N/A
A.3	Development is permitted by Class A subject to the following conditions –	Y/N

(a)	the materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;	Y
(b)	any upper-floor window located in 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; and	N/A N/A
(c)	where the enlarged part of the dwellinghouse has more than a single storey, or forms an upper storey on an existing enlargement of the original dwellinghouse, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.	N/A

Analysis

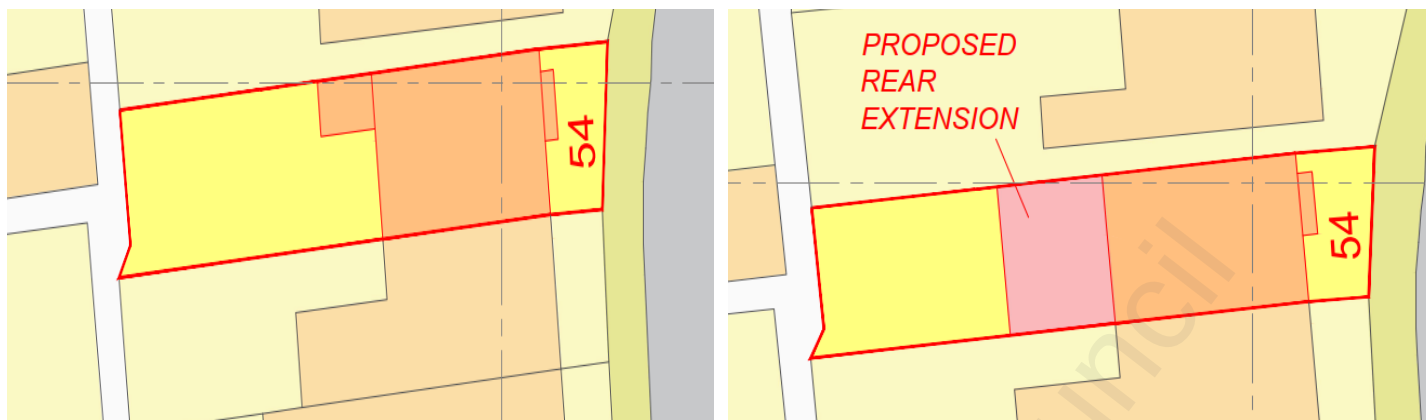
As shown below, the proposed extension would exceed the depth limit set out by A.1(f)(i) for a terraced property.



The proposal therefore fails to comply with A.1 F(i).

The proposed single storey rear extension also fails to comply with paragraph A1 j (iii) Class A of the GDPO which states that where an extension is beyond any original side wall, the restrictions in (j) will apply. Any extension can only be a single storey, must be less than 4 metres in height and cannot be more than half the width of the original house. The width of the original house should be calculated at its widest point.

The property has an original single storey rear projection which projects approx. 2.5m and has a width of approx. 1.8m; as such the enlarged part of the dwelling would extend beyond a wall forming a side elevation of the original dwelling, and would have a width greater than half the width of the original dwelling.



Conclusion

The proposed extension would extend beyond the rear wall of the dwellinghouse by more than 3.00m and therefore fails to comply with Schedule 2, Part 1 Class A, A.1(f)(i). The proposed development would have a width greater than half the width of the original dwelling and therefore fails to comply with Schedule 2, Part 1 Class A.1 (j) (iii).

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: Refuse Lawful Development Certificate

Case Officer:	Mr Richard Hart	Team Leader:	Miss Faye Hobbs
Signed:	<i>R Hart</i>	Signed:	
Dated:	7th November 2022	Dated:	8 th November 2022