

Delegated Report

Lawful Development Certificate (Proposed)

Application no:	20250426
Location	2 Blenheim Close Meopham Gravesend Kent
Proposal:	Application for a Proposed Lawful Development Certificate; Erection of a single storey rear extension with rooflight and erection of a porch to side entrance.
Applicant:	Mr Keith Savage
Site Visit	N/A Desktop Assessment

Plans & Documents

Application Form;
Drawing No. PHA-PL-001 Rev. A – site Location Plan and Block Plan – Existing;
Drawing No. PHA-PL-002 – Floor Plans and Elevations – Existing;
Drawing No. PHA-PL-004 – Floor Plans and Elevations – Proposed; and
Drawing No. PHA-PL-007 Rev. A - Block Plan – Proposed.

Property Type

2 Blenheim Close is a detached property.

Material Consideration

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

Relevant Planning History

No relevant history.

Officer Assessment

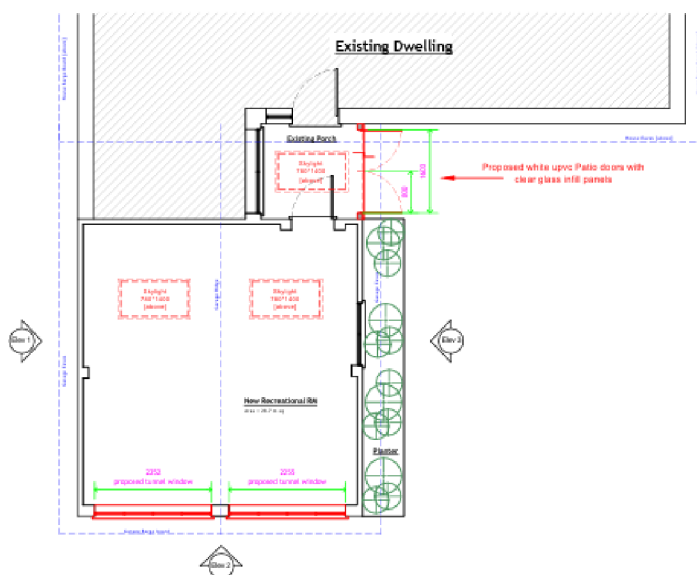
Preliminary Matters and Appeal Context

This application is unusual, given that the proposed porch in situ, would be constructed between the flank wall of the dwellinghouse, abutting the wall of the garage. With consideration to the relevant appeal decision (below) and the manner in which the similar proposal was assessed, it was necessary to consider that the porch would technically form a side extension (joined with the existing garage) and therefore the development would need to be assessed under Class A of the GPDO.

Relevant Appeal

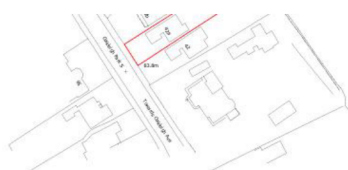
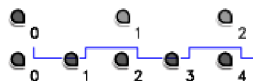
The most relevant appeal is considered to be, Appeal Ref: APP/N5090/X/21/3283258, 42A Oakleigh Park South, London N20 9JN (APPEAL ALLOWED). The development for which the certificate of lawful use or development was sought was described as 'Remove existing Garage doors, and insert tunnel windows' and 'Enclose existing Entry Porch'.

Plans for Application taken from Barnet Council Website



GROUND FLOOR LAYOUT

scale 1:100 @ A3



LOCATION PLAN

scale 1:1250 @ A3

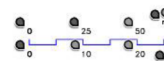


SITE IMAGES



SITE PLAN

scale 1:500 @ A3



In the appeal decision, the Inspector considered that the porch would not fall under Class D (due to exceeding the permitted floor area), but stated, *'if the proposed porch is not permitted by Class D, this does not preclude consideration of whether it is permitted by any other Class.'* The Inspector goes on to consider the porch under the limitations of Class A and finds, *'that the proposal would be permitted by Class A, and that the Council's refusal was not well-founded in this regard.'*

Furthermore, the Inspector was satisfied the attached garage building forms part of the dwellinghouse, where Class A rights would arise, and the appeal was allowed.

Summary

In the case of this application, the porch would not include a door to connect the garage to the porch (and therefore the dwelling). However, the porch/side projection would abut the garage. Therefore, to avoid ambiguity, it is reasonable to carry out an assessment of the porch under Class A and D. The proposed single storey rear extension falls under Class A. The assessment is made below:

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 G, M, MA, 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	N 3.06m N

(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/A
(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 (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 <3.00m
(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 2.59m N N
(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);	N
(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 as confirmed by email from agent
(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
(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

Class D - The erection or construction of a porch outside any external door of a dwellinghouse.

D.1	Development is not permitted by Class D 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)	The ground area (measured externally) of the structure would exceed 3 square metres	N 1.78m ³
(c)	Any part of the structure would be more than 3 metres above ground level; or	N 2.59m
(d)	Any part of the structure would be within 2 metres of any boundary of the curtilage of the dwellinghouse with a highway; or	N
(e)	the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses)	N

Conclusion

Applying a degree of reasonableness, with consideration to the Government Technical Guidance for Permitted Development Rights for Householders and the aforementioned appeal decision, the certificate should be granted.

The proposed development complies with Schedule 2, Part 1, Classes A and D of **THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015, AS AMENDED** and the **LAWFUL DEVELOPMENT CERTIFICATE** is **GRANTED**

Recommendation: Grant Lawful Development Certificate

Case Officer:	Mrs Lucy Hankin	Team Leader:	Mrs Faye Walsh
Signed:		Signed:	
Dated:	02.07.25	Dated:	02 July 2025