



Delegated Report

Lawful Development Certificate (Proposed)

Application no:	20211476
Location	Chestnut Lodge Watling Street Higham Rochester
Proposal:	Application for Lawful Development Certificate for proposed erection of an outbuilding with indoor swimming pool.
Applicant:	Mr And Dr G Hothi
Site Visit	N/A Desktop Assessment

Plans & Documents

- Application Form Received 01/12/2021;
- Drawing P01 (Existing/Proposed Plans/Elevations, Block Plans and Site Location Map) Received 03/12/2021.

Property Type

The property comprises a two storey detached house.



Material Consideration

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

Relevant Planning History

Reference	Description	Outcome	Decision Date
19550292	Erection of a detached dwelling	Withdrawn	11.09.1956
20210787	Erection of a single storey pool house and sun room.	Refused	16.08.2021
19900002	Erection of two storey rear extension to form enlarged kitchen/diner, dining room and sun lounge with two bedrooms at first floor level.	Permitted	26.03.1990

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 E - The provision within the curtilage of the dwellinghouse of –

(a) any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure; or

(b) a container used for domestic heating purposes for the storage of oil or liquid petroleum gas.

E.1	Development is not permitted by Class E 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 total area of ground covered by building, enclosures and containers within the curtilage (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);	N – See conclusion
(c)	Any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse;	N
(d)	The building would have more than a single storey;	N
(e)	The height of the building, enclosure or container would exceed – (i) 4 metres in the case of a building with a dual-pitched roof, (ii) 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of dwellinghouse, or (iii) 3 metres in any other case;	N N – set 2m away from boundary N/A
(f)	The height of the eaves of the building would exceed 2.5 metres;	N-2.5m
(g)	The building, enclosure, pool or container would be situated within the curtilage of a	N

	listed building;	
(h)	It would include the construction or provision of a verandah, balcony or raised platform;	N
(i)	It relates to a dwelling or a microwave antenna; or	N/A
(j)	The capacity of the container would exceed 3,500 litres	N/A
(k)	the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses)	N/A
E.2	In the case of any land within the curtilage of a dwellinghouse which is within – (a) An area of outstanding natural beauty; Development is not permitted by Class E if the total area of ground covered by buildings, enclosures, pools and containers situated more than 20 metres from any wall of the dwellinghouse would exceed 10 square metres.	N
E.3	In the case of any land within the curtilage of the dwellinghouse which is article 2(3) land, development is not permitted by Class E if any part of the building, enclosure, pool or container would be situated on land between a wall forming a side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse.	N

Conclusion

The proposed erection of an outbuilding/swimming pool enclosure falls within Schedule 2, Part 1, Class E of The Town and Country Planning (General Permitted Development) (England) Order 2015. A Lawful Development Certificate can be granted.

Recommendation: Grant Lawful Development Certificate

	Name/Signature	Date
Planning Officer		27/01/2022
Principal Planner/ Manager	Richard Hart / R Hart	31 st January 2022