

Delegated Report

Lawful Development Certificate (Proposed)

Application no:	20220986
Location	48 Ediva Road Meopham Gravesend Kent
Proposal:	Application for a Lawful Development Certificate in respect of the proposed erection of single storey rear extension.
Applicant:	Mr & Mrs Siddons
Site Visit	Desktop Assessment

Plans & Documents

Application Form;
Location Plan (received 07.09.22);
Drawing No. SP-22-1399-PL00 – Block Plans – Existing and Proposed;
Drawing No. SP-22-1399-PL01 – Elevations and Floor Plans – Existing; and
Drawing No. SP-22-1399-PL02 – Elevations and Floor plans – Proposed.

Property Type

48 Ediva Road is a two storey semi-detached property.

Material Consideration

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

Relevant Planning History

Reference	Description	Decision	Decision Date
TH/6/59/315 (19590315)	Layout of roads and erection of 43 dwellings	Permitted	07.01.1960
19810193	Erection of single storey front and side extension to form enlarged hall enlarged kitchen and wc	Permitted	22.07.1981
19900742	Erection of two storey side extension to form garage and study with two bedrooms and bathroom at first floor level.	Permitted	20.12.1990

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 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
(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 2.87m Y 8.37m See A.1 (ja)
(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 N

(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	Y 5.27m See A.1 (ja)
(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	Y 8.37m Y Y 9.96m total width See A.1 (ja)
(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 See below
(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;	N Existing windows and doors are white, proposed doors are grey. Other materials are to match
(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

Analysis

The proposed single storey rear extension will replace the existing conservatory and be **connected** to the existing two storey side extension (presumably permitted under applications 19810193 and 19900742). Therefore, as per the requirements of the Town and Country Planning (General Permitted Development) (GDPO) (England) Order 2015, as amended the **total enlargement** must be considered.

As indicated below, the proposed extension (turquoise) will be connected with the previous extension (purple):



As such, the single storey rear extension fails under A.1 (f)(ii) because the (total) enlargement would exceed 4.00m in height. Additionally, the proposal does not comply with A.1 (i) because the eaves would exceed 3.00m and be within 2.00m of the boundary. This is explained further in the Government Technical Guidance excerpt below:

Where any part of a proposed extension to a house is within 2 metres of the boundary of its curtilage, then the maximum height of the eaves that is allowed for the proposal is 3 metres. Under paragraph (ja) (see page 28) if the proposed extension is within these limitations, but is being joined to a previous enlargement which exceeds these limitations, it will not be permitted development.

The development would also fail under j(i)(ii) and (iii) because the enlargement would extend beyond a wall forming a side elevation of the **original** dwellinghouse and; exceed 4.00m in height, have more than a single storey and have a width greater than half the width of the dwelling:

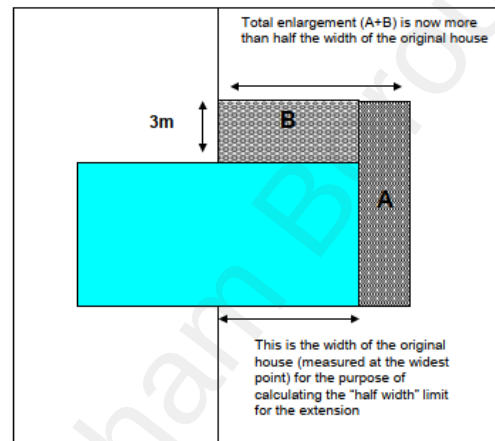
(Excerpt from Government Technical Guidance)

Under paragraph (ja) (see page 28) if the proposed extension is being joined to a previous enlargement, it will not be permitted development if the size of the total enlargement (being the proposed enlargement together with any previous enlargement) exceeds these limitations. For example, if a proposed extension of 3 metres in height is added to an existing extension which exceeds 4 metres in height, or if the proposed extension creates a total enlargement which has a width greater than half the width of the original dwellinghouse, it would not be permitted development.

Moreover, the proposal also fails under (ja), as the total enlargement exceeds the limits of the above. The Government Technical guidance gives a visual example of this below:

In some situations it may be that development is undertaken in separate stages. For example, a side extension may be built first, and then a rear extension added at a later date. In this case, under paragraph (ja) (see page 28) the size of the total enlargement (being the proposed extension together with the previous extension to which it will be joined) will be taken into account.

For example:



In the example above, if the side extension **A** was built first, it would meet the requirement for being no more than half the width of the original house. However, the later addition of the rear extension **B** would mean that the total width of **A + B** at the widest point would be more than half the width of the house. The rear extension would therefore require an application for planning permission.

Furthermore, condition A.3 (a) requires proposed external materials to be similar to the existing. The plans show the existing doors/windows are white and the proposed are grey; therefore the proposal fails to meet this requirement.

Conclusion

The proposed extension would exceed 4.00m in height contrary to the requirements of Class A.1 (f)(ii). In addition, the eaves would exceed 3.00m in height whilst being within 2.00m of the boundary which would fail under A.1 (i). The development would also fail under j(i)(ii) and (iii) because the enlargement would extend beyond a wall forming a side elevation of the **original** dwellinghouse and; exceed 4.00m in height, have more than a single storey and have a width greater than half the width of the dwelling. Moreover, the proposal also fails under (ja), as the **total enlargement** exceeds the limits of class A. Furthermore, A.3 (a) requires proposed external materials to be similar to the existing. The plans show the existing doors/windows are white and the

proposed are grey; as such, the proposal fails to meet this requirement.

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:	Richard Hart
Signed:	L Hankin	Signed:	<i>R Hart</i>
Dated:	21st October 2022	Dated:	24th October 2022