

Delegated Report

Lawful Development Certificate (Proposed)

Application no:	20240278
Location	9 Glenrosa Gardens Gravesend Kent DA12 4PT
Proposal:	Application for a Lawful Development Certificate for the proposed erection of a single storey ground floor side extension.
Applicant:	Mr and Mrs C. Fuller
Site Visit	N/A Desktop Assessment

Plans & Documents

Application Form;
Supplementary Information – Covering Letter;
Drawing No. 1000 – Site Location Plan;
Drawing No. 1001 – Block/Site Plan as Existing;
Drawing No. 1101 – Block/Site Plan as Proposed;
Drawing No. 1010 – Ground Floor Plan as Existing;
Drawing No. 1013 – Roof Plan as Existing;
Drawing No. 1113 – Roof Plan as Proposed;
Drawing No. 1020 – Section AA as Existing;
Drawing No. 1120 – Section AA as Proposed;
Drawing No. 1030 – Elevation North as Existing;
Drawing No. 1130 – Elevation North as Proposed;
Drawing No. 1031 – Elevation South as Existing;
Drawing No. 1131 – Elevation South as Proposed;
Drawing No. 1032 – Elevation East as Existing;
Drawing No. 1132 – Elevation East as Proposed;
Drawing No. 1033 – Elevation West as Existing;
Drawing No. 1133 – Elevations West as Proposed; and
Drawing No. 1110 – Ground Floor Plan as Proposed.

Property Type

9 Glenrosa Gardens is a detached bungalow.

Material Consideration

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

Relevant Planning History

Reference	Description	Decision	Decision Date
19850014	Erection of single storey extension at the rear to form dining room and enlarged lounge	Permitted	25.02.1985

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	Y See below
(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/A
(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 (Eaves are 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 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 Y (See Class C below)
(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
(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

The application submission states the proposal would need to be assessed against Class B. However, the government technical guidance indicates that Class C is relevant for this proposal, as included below:

In order to be permitted development, a proposal must meet all the limitations and conditions under each Class relevant to the proposal. It is therefore essential that any proposed household development is considered in the context of the permitted development rules as a whole in order to determine whether it benefits from permitted development rights and therefore does not require an application for planning permission.

For example, where a proposed two storey extension at the rear of a house has a roof that joins onto the main roof of the original house, the works will need to meet the requirements of both Class A (which covers the enlargement of the house) and Class C (which covers any alterations to the roof) in order to be permitted development. If the works also include the creation of a dormer window to enlarge the roof space, either in the extension or the original roof space, then they would also need to meet the requirements of Class B.

As such, Class B shall not be considered, and Class C is included below.

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;	Y (See below)

(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.	Y (See below) Y (See below)
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

SVP

The plans include the following annotation:

EXSTG FW SVP AND SW RWP TO BE
RELOCATED TO SUIT PROPOSED SIDE EXTENSION

The installation, alteration, or replacement of a chimney, flue or soil and vent pipe is covered under Class G and the relocation of the SVP would need to adhere to Class G in order to comply with permitted development rights.

Bird and Bat Boxes

The bird and bat boxes are considered beneficial, however it should be ensured that the installation complies with the requirements of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Solar Panels

The plans show that the existing solar panels would need to be altered to create space for the extension. These requirements are set out under Part 14 of the rules on permitted development in Schedule 2 to the Order:

PART 14 Renewable energy

Class A – installation or alteration etc of solar equipment on domestic premises

Permitted development

A. *The installation, alteration or replacement of microgeneration solar PV or solar thermal equipment on—*

(a) a dwellinghouse or a block of flats; or

(b) a building situated within the curtilage of a dwellinghouse or a block of flats.

Development not permitted

A.1 *Development is not permitted by Class A if—*

- (a) the solar PV or solar thermal equipment would protrude more than 0.2 metres beyond the plane of the wall or the roof slope when measured from the perpendicular with the external surface of the wall or roof slope;*
- (b) it would result in the highest part of the solar PV or solar thermal equipment being higher than the highest part of the roof (excluding any chimney);*
- (c) in the case of land within a conservation area or which is a World Heritage Site, the solar PV or solar thermal equipment would be installed on a wall which fronts a highway;*
- (d) the solar PV or solar thermal equipment would be installed on a site designated as a scheduled monument; or*
- (e) the solar PV or solar thermal equipment would be installed on a building within the curtilage of the dwellinghouse or block of flats if the dwellinghouse or block of flats is a listed building.*

Conditions

A.2 *Development is permitted by Class A subject to the following conditions—*

- (a) solar PV or solar thermal equipment is, so far as practicable, sited so as to minimise its effect on the external appearance of the building;*
- (b) solar PV or solar thermal equipment is, so far as practicable, sited so as to minimise its effect on the amenity of the area; and*
- (c) solar PV or solar thermal equipment is removed as soon as reasonably practicable when no longer needed.*

Summary

From the information submitted, the solar panels appear to adhere with the above. Any alterations made would also need to adhere to the above.

Assessment Notes

Class A.1 (d)

The development fails under Class A.1 (d) because 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.

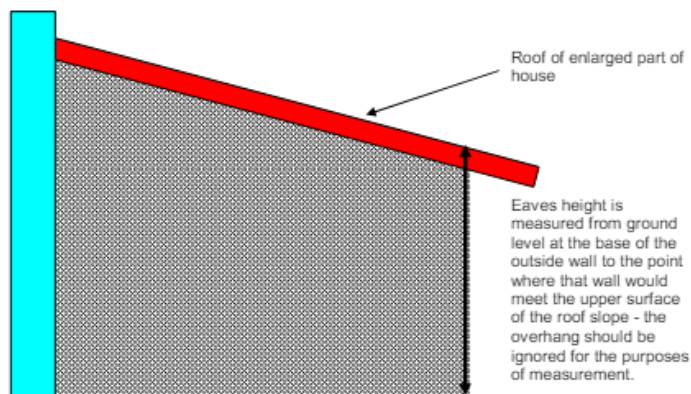
The Government Technical Guidance on Permitted Development for Householders sets out the following:

“Where the existing house has eaves of different heights, then the restriction on the height of the eaves for the part of the house enlarged, improved or altered is measured against the highest level of eaves on the existing house.”

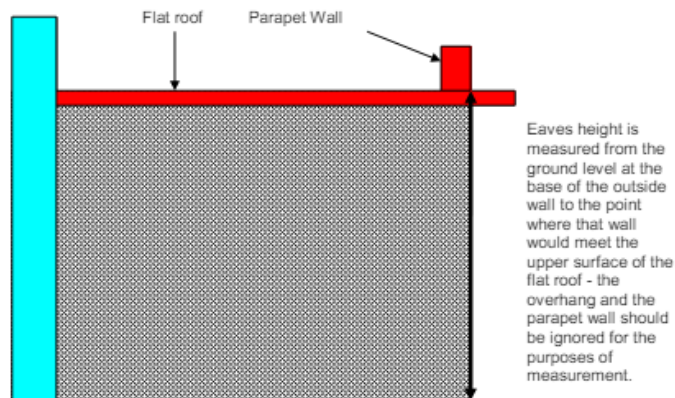
It is noted that the existing dwelling has varying eaves height; the eaves of the main dwelling and also the eaves of the existing rear extension. As such, the eaves height of the rear extension is taken into account. The Technical Guidance sets out the method for measuring eaves height:

“For the purpose of measuring height, the eaves of a house are the point where the lowest point of a roof slope, or a flat roof, meets the outside wall. The height of the eaves will be measured from the ground level at the base of the external wall of the extension to the point where the external wall would meet (if projected upwards) the upper surface of the roof slope. Parapet walls and overhanging parts of eaves should not be included in any calculation of eaves height.”

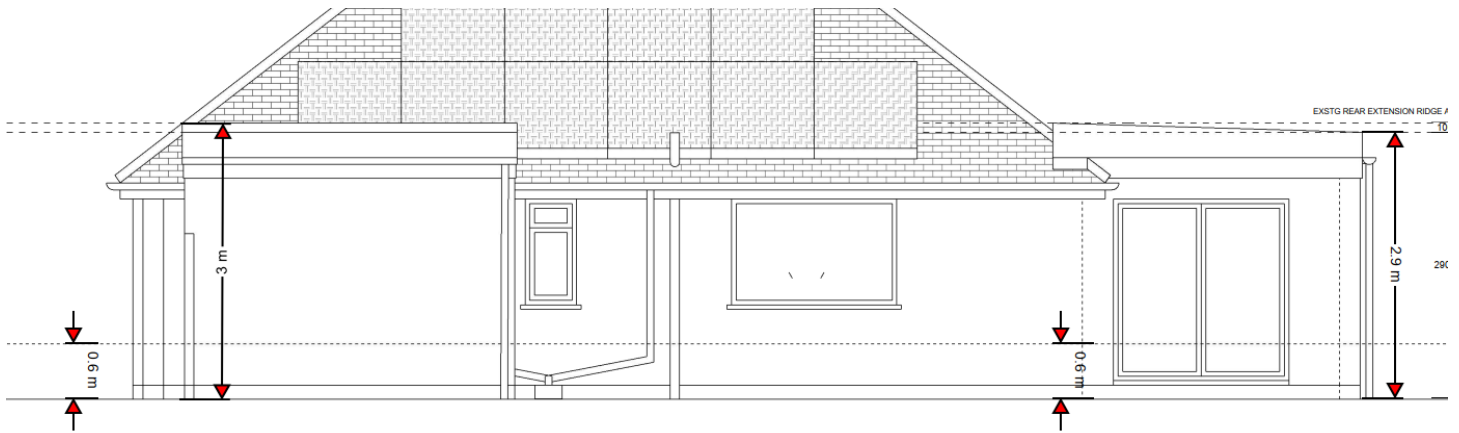
The following example shows the side view of an extension with a pitched roof:



Where there is a flat roof, a similar approach should be taken for measuring eaves:



A measurement of the proposed elevation, in accordance with the rules of permitted development rights shows that the proposal fails to comply with Class A.1 (d) as the eaves of the enlargement (3.00m) exceed the (highest level) eaves of the existing dwellinghouse (2.90m) according to the Government definition of eaves height).



As set out above, the application fails to comply with Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) (as amended) and Planning Permission would be required for the development.

Conclusion

The application fails to comply with Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) (as amended). The eaves would exceed the height of the eaves of the existing dwellinghouse and, as such, the proposal fails to comply with A.1(d).

Recommendation: Refuse Lawful Development Certificate

Case Officer:	Mrs Lucy Hankin	Team Leader:	Richard Hart
Signed:	L Hankin	Signed:	<i>R Hart</i>
Dated:	8th May 2024	Dated:	8th May 2024