

# Delegated Report

## *Lawful Development Certificate (Proposed)*

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|------------------------|--------------------------------------------------------------------------------------------------|
| <b>Application no:</b> | 20250373                                                                                         |
| <b>Location</b>        | 2 Central Avenue Gravesend Kent DA12 5AD                                                         |
| <b>Proposal:</b>       | Application for a Proposed Lawful Development Certificate for the construction of a outbuilding. |
| <b>Applicant:</b>      | Stephen Baigent                                                                                  |
| <b>Site Visit</b>      | N/A Desktop Assessment                                                                           |

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### Preliminary Matters

Following correspondence with the applicant, it has been confirmed that the proposed use of the outbuilding is “as a home office to work from home (using a computer) and/or amateur art. It won't be for commercial use or residence.” Accordingly, the assessment of the application is carried out in the report below.

### Plans & Documents

Application Form;  
Supplementary Information – Garden Pictures;  
Supplementary Information – Cover Letter;  
Elevations and Floor Plans – Proposed (received on 02.07.25);  
Site Plan – Proposed (received on 14.04.25); and  
OS Plan (received on 14.04.25).

### Plan Note

The plans provided do not measure accurately. However, the dimensions of the development are written on the plans and therefore shall form the basis of this assessment.

### Property Type

2 Central Avenue is a two storey terraced property.

### Material Consideration

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

### Relevant Planning History

| Reference | Description | Decision | Decision Date |
|-----------|-------------|----------|---------------|
|-----------|-------------|----------|---------------|

|          |                                                                               |           |            |
|----------|-------------------------------------------------------------------------------|-----------|------------|
| 19890219 | Erection of single storey side extension to form dining room, wc and bedroom. | Permitted | 13.07.1989 |
|----------|-------------------------------------------------------------------------------|-----------|------------|

**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.**

| <b>E.1</b> | <b>Development is not permitted by Class E if –</b>                                                                                                                                                                                                                                                                               | <b>Y/N</b>                                      |
|------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------|
| <b>(a)</b> | 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>(b)</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                                               |
| <b>(c)</b> | 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<br>(Principal Elevation is Central Avenue)    |
| <b>(d)</b> | The building would have more than a single storey;                                                                                                                                                                                                                                                                                | N                                               |
| <b>(e)</b> | The height of the building, enclosure or container would exceed –<br><br>(i) 4 metres in the case of a building with a dual-pitched roof,<br><br>(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<br><br>(iii) 3 metres in any other case; | N/A<br><br>N<br>2.50m maximum height<br><br>N/A |
| <b>(f)</b> | The height of the eaves of the building would exceed 2.5 metres;                                                                                                                                                                                                                                                                  | N                                               |
| <b>(g)</b> | The building, enclosure, pool or container would be situated within the curtilage of a listed building;                                                                                                                                                                                                                           | N                                               |

|            |                                                                                                                                                                                                                                                                                                                                                                      |     |
|------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
| <b>(h)</b> | It would include the construction or provision of a verandah, balcony or raised platform;                                                                                                                                                                                                                                                                            | N   |
| <b>(i)</b> | It relates to a dwelling or a microwave antenna; or                                                                                                                                                                                                                                                                                                                  | N   |
| <b>(j)</b> | The capacity of the container would exceed 3,500 litres                                                                                                                                                                                                                                                                                                              | N/A |
| <b>(k)</b> | the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses)                                                                                                                                                                                                                                                                       | N   |
| <b>E.2</b> | In the case of any land within the curtilage of a dwellinghouse which is within –<br><br>(a) An area of outstanding natural beauty;<br><br>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/A |
| <b>E.3</b> | 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/A |

Paragraph E.4 of Class E indicates that purposes incidental to the enjoyment of the house includes the keeping of poultry, bees, pet animals, birds or other livestock for the domestic needs or personal enjoyment of the occupants of the house. But the rules also allow, subject to the conditions and limitations below, a large range of other buildings on land surrounding a house. Examples could include common buildings such as garden sheds, other storage buildings, garages, and garden decking as long as they can be properly be described as having a purpose incidental to the enjoyment of the house.

A purpose incidental to a house would not, however, cover normal residential uses, such as separate self-contained accommodation or the use of an outbuilding for primary living accommodation such as a bedroom, bathroom, or kitchen. The applicant has confirmed in writing that the outbuilding would be used as a home office to work from home (using a computer) and/or amateur art. It won't be for commercial use or residence.

### Assessment Note

There is a difference in land levels between the application site and the adjacent pavement at Ferndale Road:

**Applicants Photo**



However, as set out in the Government Technical Guidance for Householders, *the height of the building, enclosure or container should be measured from the highest ground level immediately adjacent to the building, enclosure, or container to its highest point*. Therefore, the height measurement is taken from the garden land level.

### Conclusion

The proposed development complies with **Schedule 2, Part 1, Class E 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

|                      |                                                                                   |                     |                                                                                    |
|----------------------|-----------------------------------------------------------------------------------|---------------------|------------------------------------------------------------------------------------|
| <b>Case Officer:</b> | Mrs Lucy Hankin                                                                   | <b>Team Leader:</b> | Richard Hart                                                                       |
| <b>Signed:</b>       |  | <b>Signed:</b>      |  |
| <b>Dated:</b>        | 5 <sup>th</sup> August 2025                                                       | <b>Dated:</b>       | 6 <sup>th</sup> August 2025                                                        |