



Delegated Report

Lawful Development Certificate (Proposed)

Application no:	20230204
Location	42 Denton Court Road Gravesend Kent DA12 2HS
Proposal:	Cross over to create vehicular access with hard standing.
Applicant:	Miss Rachel Foong
Site Visit	N/A Desktop Assessment

Plans & Documents

- Application Form
- Proposed Block Plan
- Site Location Map

Property Type

The property comprises a two storey end of terrace house.



Material Consideration

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

Relevant Planning History

No relevant planning history.

Application

The application form indicates as the grounds the LDC should be granted as:

I have been advised that I will not require planning permission for the installation of a dropped kerb for the provision of a hard standing within the curtilage of my property specified in the Town and Country Planning (General Permitted Development) Order 2015.

Class B of Part 2 to Schedule 2 of the GPDO allows the formation, laying out and construction of a means of access to a highway that is not a trunk road or a classified road, where that access is required in connection with development permitted by any Class in, within schedule 2 of the GPDO.

The proposed drop kerb does not crossover to a trunk road or classified road and is in connection to the hard standing within the curtilage of the property.

Dropped kerbs and parking space standards specified by KCC are adhered to. The submitted drawing shows the area of the front garden, used for parking, has a width of 2.8m and a depth to the front of the house of 6.63m. The vehicle will not be overhanging on to any footpath or adjacent highway when parked. As the dwelling is at the end of a cul de sac, parking is neither parallel nor perpendicular to the road, but at an angle of less than 45 degrees. The angle required for the car to turn into the driveway from the road, is practically straight on and off.

The formation of the vehicle crossover and hard-standing will not cross land that is not part of the curtilage/owned by the applicant and does not require significant engineering works. There will be no changes to ground levels or building structures.

In regards to the hard-standing - Under Part 1 of Schedule 2, Class F, development is permitted, if it is within the curtilage of a dwelling house of a hard surface for any purpose incidental to the enjoyment of the dwelling house and if the replacement of such a surface meets the following conditions. The hard surface would be situated on land between a wall forming the principle elevation of the dwelling house and a highway and the area of ground covered by the hard surface does not exceed 5 square metres and that it is made of porous materials and/or provisions are made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwelling house.

The hard standing will be used to park my car. The hard surface will cover the entire front curtilage, not crossing boundaries, from the dwelling house to the highway where the elevation is level. The hard surface will be made of block paving. There are two manholes in the front garden. One for foul water and one for surface water. These will still be accessible and able to be lifted with very little difficulty. The entire perimeter of driveway/front garden will have an Aco drain installed and drainage connections made to existing surface water drainage within boundary, containing all surface water within boundary. Parking a vehicle on proposed driveway will not block any fire exits, public footpaths or public highways.

See assessment below

Permitted Developments Rights Restrictions

Article 2 (3) Land (AONB, Conservation Area)	N
Article 4 Direction	N
Permitted Development Rights Removed/Restricted	N

Class F - The provision within the curtilage of the dwellinghouse of hard surfaces incidental to the enjoyment of a dwellinghouse

Development consisting of -

- (a) the provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse as such; or
- (b) the replacement in whole or in part of such a surface.

F.1	Development is not permitted by Class F if –	Y/N
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(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 dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses)	N
F.2	Development is permitted by Class F subject to the condition that where	Y/N
(a)	The hard surface would be situated on land between a wall forming the principal elevation of the dwellinghouse and a highway, and	Y
(b)	The area of ground covered by the hard surface, or the area of hard surface replaced, would exceed 5 square metres,	Y – approx. 29.sqm
	Either the hard surface is made of porous materials, or provision is made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse.	Y – Confirmed block paving on application form.

Class B of Part 2 to Schedule 2 of the GPDO allows the formation, laying out and construction of a means of access to a highway that is not a trunk road or a classified road, where that access is required in connection with development permitted by any Class in within Schedule 2 (other than by Class A of Part 2) of the GPDO.

Denton Court Road is not a *trunk road* or a *classified road*,

In addition to the above criteria, the creation of a vehicular access does not:

- a) Cross land that is not part of the curtilage/owned by the applicant, with the exception of 'Highway Land', or that some other "change of use" of land is involved;
- b) Require significant engineering works, such as changes to ground levels or building of structures;

The proposal is not creating the dropped kerb/access onto a trunk road or a classified road and the dropped kerb/access is required in connection with another form of development permitted by the above mentioned parameters, then formal planning permission is unlikely to be required.

Conclusion

The proposed construction of a vehicle cross over and hardstanding area fall within Schedule 2, Part 1, Class F and *Part 2, Class B* of The Town and Country Planning (General Permitted Development) (England) Order 2015. A Lawful Development Certificate can be granted.

Recommendation: <u>Grant</u> Lawful Development Certificate
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Case Officer:	Mrs Sharon Sahota	Team Leader:	Miss Faye Hobbs
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Signed:		Signed:	
Dated:	17th May 2023	Dated:	18 May 2023