

Delegated Report

Lawful Development Certificate (Proposed)

Application no:	20231065
Location	18 Dobson Road Gravesend Kent DA12 5TE
Proposal:	Application for a Lawful Development Certificate in respect of the proposed erection of a outbuilding in the rear garden.
Applicant:	David Attwaters
Site Visit	N/A Desktop Assessment

Plans & Documents

Application Form;
Supplementary Information – Proposal Justification Information;
Site Location Plan (received on 17.10.23);
Block Plan – Proposed (received on 17.10.23);
Drawing No. 2.4 – Site Plan – Existing;
Drawing No. 2.5 – Roof Plan – Existing;
Drawing No. 2.6 – Elevations – Existing;
Drawing No. 2.7 – Ground Floor Plan – Proposed;
Drawing No. 2.8 – Roof Plan – Proposed; and
Drawing No. 2.9 – Elevations – Proposed.

Property Type

18 Dobson Road is a semi-detached bungalow.

Material Consideration

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

Relevant Planning History

No relevant history, however the below applications are pending consideration at this time:

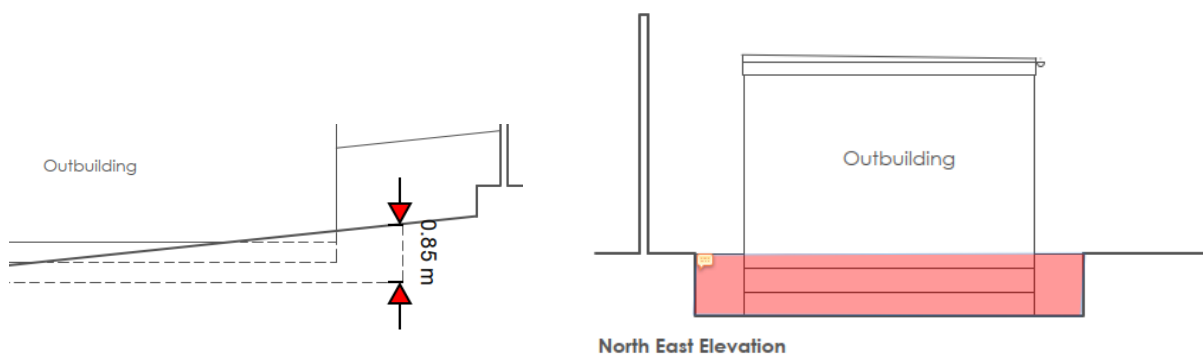
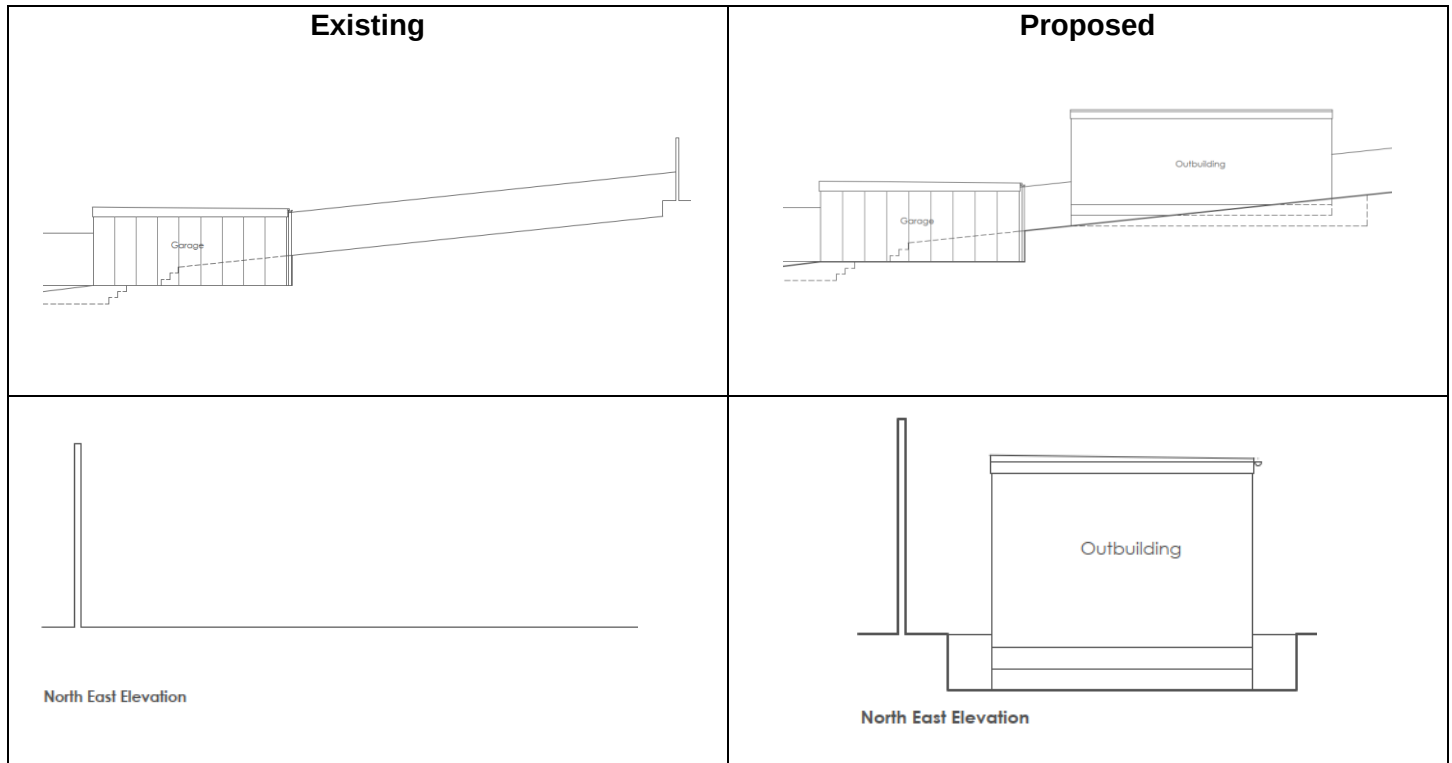
- *20231069 - Prior approval application for a single storey rear extension with a depth of 5.35 metres, maximum height of 3.25 metres and eaves height of 2.80 metres.*
- *20231122 - Erection of a porch on the side elevation with addition of new steps.*

This does not impact the determination of this application.

Officer Assessment

The plans submitted with this application demonstrate that an engineering operation to excavate part of the rear garden would be required for the erection of the outbuilding.

Section 55 of the Town and Country Planning Act (1990) defines development as carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.



The above area in red gives an indication of the excavation area (as viewed from the north east elevation). The plans show significant excavation would be required at a depth up to 0.85m. The inspector, for the dismissed appeal at Cherry Orchard Farmhouse, Tuckhill, Six Ashes, Bridgnorth WV15 6EW (APP/L3245/X/21/3283108) (Appendix 1), states in paragraph 16 that *a retaining wall to support a new patio...would amount to an engineering operation as defined by s.55(1) of the Town and Country Planning Act not permitted by the Order.* As such, the engineering operation proposed by this application would not fall under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and **planning permission would be required.**

Therefore, further assessment of this Lawful Development Certificate Application has not been carried out and planning permission would be required for the development.

Conclusion

Section 55 of the Town and Country Planning Act (1990) defines development as carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land. Any change in land levels particularly when it would be at 0.3m or greater, would be considered an engineering operation requiring planning consent. Therefore, Planning Permission would be required for the proposal as a result of the engineering operations. As such, the proposed development does not benefit from the provisions of Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and Planning Permission would be required.

Recommendation: <u>Refuse</u> Lawful Development Certificate

Case Officer:	Ms Lucy Hankin	Team Leader:	Richard Hart
Signed:	L Hankin	Signed:	<i>R Hart</i>
Dated:	27th November 2023	Dated:	27th November 2023