

Delegated Report

Lawful Development Certificate (Proposed)

Application no:	20250052
Location	70 Old Road East Gravesend Kent DA12 1PE
Proposal:	Application for a Lawful Development Certificate for the proposed demolition of the existing conservatory and erection of a single storey rear extension with 2 no. roof lanterns. Removal of the existing pitched roof and replacement with a new pitched roof. Installation of 2 no. external rooflight windows to the rear roof slope.
Applicant:	Mr and Mrs D. Gates
Site Visit	N/A Desktop Assessment

Plans & Documents

Application Form;
 Supplementary Information – Covering Letter;
 Supplementary Information – Site Photos – Existing;
 Drawing No. 1001 – Block Plan – Existing;
 Drawing No. 1101 – Block Plan – Proposed;
 Drawing No. 1032 – East Elevation – Existing;
 Drawing No. 1132 – East Elevation – Proposed;
 Drawing No. 1011 – First Floor Plan – Existing;
 Drawing No. 1111 – First Floor Plan – Proposed;
 Drawing No. 1010 – Ground Floor Plan – Existing;
 Drawing No. 1110 – Ground Floor Plan – Proposed;
 Drawing No. 1012 – Loft Floor Plan – Existing;
 Drawing No. 1112 – Loft Floor Plan – Proposed;
 Drawing No. 1030 – North Elevation – Existing;
 Drawing No. 1130 – North Elevation – Proposed;
 Drawing No. 1013 – Roof Plan – Existing;
 Drawing No. 1113 – Roof Plan – Proposed;
 Drawing No. 1020 – Section A – A – Existing;
 Drawing No. 1120 – Section A – A – Proposed;
 Drawing No. 1000 – Site Location Plan;
 Drawing No. 1031 – South Elevation – Existing;
 Drawing No. 1131 – South Elevation – Proposed;
 Drawing No. 1033 – West Elevation – Existing; and
 Drawing No. 1133 – West Elevation – Proposed.

Property Type

70 Old Road East is a two storey detached property.

Material Consideration

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

Consultations and Representations

This is an application for a Proposed Lawful Development Certificate. As such, consultation has not been carried out for this application and any representations received are irrelevant to the assessment of the application.

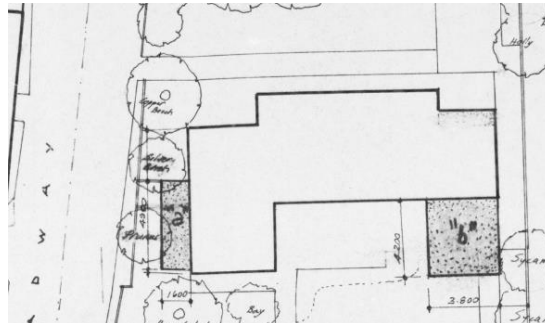
Relevant Planning History

Reference	Description	Decision	Decision Date
19850728	Erection of single storey extensions on the south and west elevations to form enlarged lounge garden room and kitchen	Permitted	07.11.1985

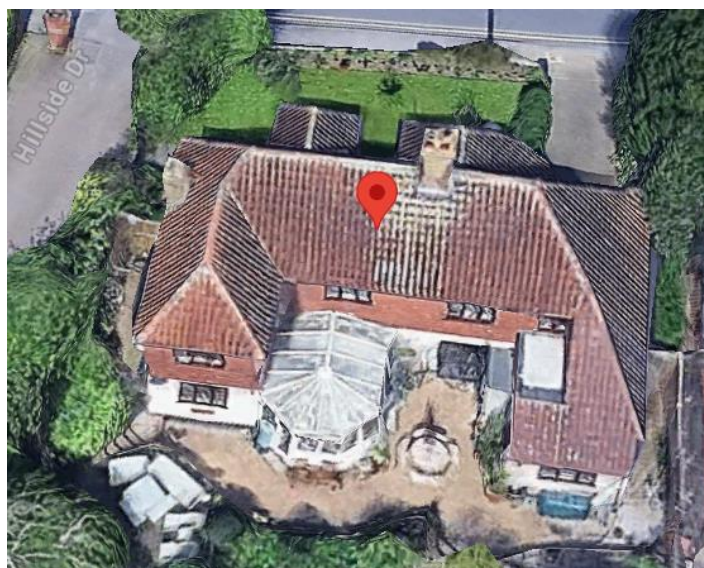
Planning History Note

The extent of the original dwelling is indicated by the plans for application 19850728:

Original dwelling is indicated by the unshaded building footprint on the site plan



In addition, Google Aerial images indicate which parts of the dwelling have been extended:



The above shall be taken into account when the application is assessed.

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 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 3.00m N 3.82m (inclusive of roof lanterns)
(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 (relates to Prior Approval Application)
(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 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 > 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 Y See Below
(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
(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	Y See Below N N See Class B

	(iv) an alteration to any part of the roof of the dwellinghouse	
(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 As per cover letter
(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 N
(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

Class B - The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.

1. Original Roof Volume (m ³)	N/A
2. Existing Roof Extensions (m ³)	N/A
Remaining Roof Volume (m ³) formula: (1 minus 2) = X 40m³ or 50m³ minus X =remaining volume Officer to show calculations in case notes (indexed on NEC)	N/A – no additions/dormers proposed

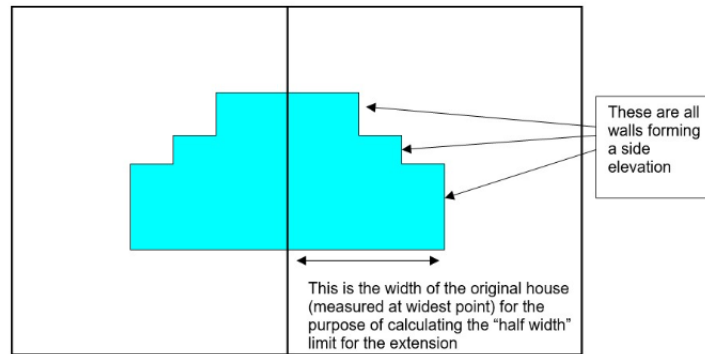
B.1	Development is not permitted by Class B if –	Y/N
(a)	Permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (changes of use);	N
(b)	Any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;	N
(c)	Any part of the dwellinghouse would, as a result of the works, extend, beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway;	N
(d)	The cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than – (i) 40 cubic metres in the case of a terrace house, or (ii) 50 cubic metres in any other case;	N/A
(e)	It would consist of or include – the construction or provision of a verandah, balcony or raised platform or the installation, alteration or replacement of a chimney, flue or soil and vent pipe; or	Y See Below N
(f)	The dwellinghouse is on article 2 (3) land	N
B.2	Development is permitted by Class B subject to the following conditions –	Y/N
(a)	The materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;	Y As per cover letter
(b)	The enlargement must be constructed so that – (i) other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side – extension (aa) the eaves of the original roof are maintained or reinstated; and (bb) the edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge of the eaves; and (ii) other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwelling house; and	N/A (no dormer enlargement)
(c)	Any window inserted on 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.	N/A

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;	N 0.15m
(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.	N N
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

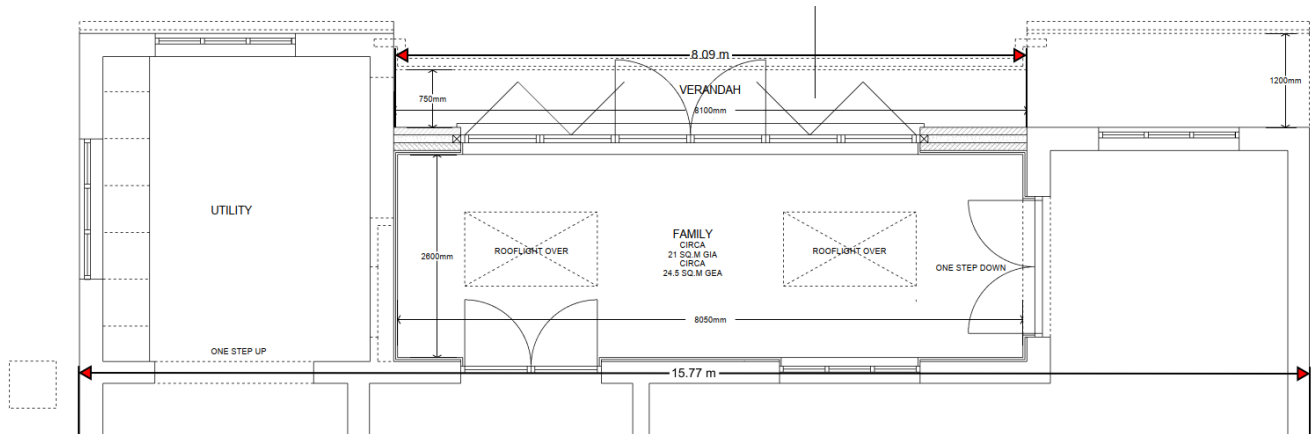
Assessment Notes

As aforementioned in the planning history section of this report, the extent of the original dwelling indicates that this proposal would fail under A.1 (j) (iii), as the extension would extend beyond a wall forming a side elevation of the original dwellinghouse, and would have a width greater than half the width of the original dwellinghouse. The Government Technical Guidance for Permitted Development for householders states:



Where an extension is beyond any side wall, the restrictions in (j) will apply. Any extension can only be a single storey, must be less than 4 metres in height and can not be more than half the width of the original house. The width of the original house should be calculated at its widest point.

The plan measurements are indicated below:



As such, the proposal fails to accord with A.1 (j) (iii).

Further to the above, the proposal fails under A.1 (ja). The property has been previously extended, and under paragraph (ja), 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. The application would therefore fail to accord with A.1 (f) (i) and (ii), as the depth and height of the total extension would exceed 4.00m. Furthermore, under (ja), the application would fail to accord with A.1 (j) (i) and (iii).

A.1 (k) (i) is expanded upon in the Government Technical Guidance for Householders. The guidance states:

Verandahs, balconies and raised platforms are not permitted development and will require planning permission.

A veranda is understood to be a gallery, platform, or balcony, usually roofed and often partly enclosed, extending along the outside of a building at ground level.

As such, the application fails under A.1 (k) (i) and B.1 (e).

Bird and Bat Boxes

There is an annotation on the proposed site block plan, indicating the installation of bird and bat boxes, which is a positive addition in terms of biodiversity opportunity. As limited details in terms of size, positioning etc. have been provided, this not has been considered further within this application.

Conclusion

The proposed development fails to comply with A.1 (j) (iii), as the extension would extend beyond a wall forming a side elevation of the original dwellinghouse, and would have a width greater than half the width of the original dwellinghouse. In addition, the proposal fails under A.1 (ja). The property has been previously extended, and under paragraph (ja), 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. The application would therefore fail under (ja) to accord with A.1 (f) (i) and (ii), as the depth and height of the total extension would exceed 4.00m. Furthermore, under (ja), the application would fail to accord with A.1 (j) (i) and (iii). Moreover, the proposed verandah would require planning permission as set out by the Government Technical Guidance. As such the proposal fails to accords with A.1 (k) (i) and B.1 (e).

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:	5th March 2025	Dated:	5th March 2025