



Delegated Report

Lawful Development Certificate (Existing)

Application no:	20251244
Location	22 Biddenden Way Istead Rise Gravesend Kent
Proposal:	Application for an Existing Lawful Development Certificate in respect of the single storey rear extension; dormer extension in front roof slope and conversion of the loft space to habitable rooms.
Applicant:	Mr Markus Zeller
Site Visit	03 February 2026

Plans & Documents

Application form for a Lawful Development Certificate for an Existing Use or Development;
Drawing no. 260102-11 Existing elevations;
Drawing no. 1 Existing ground floor layout;
Drawing no. 2 Existing first floor layout;
Site location plan (1:1250);
Block plan (1:500);
Google Map image;
Email from the applicant received 05 January 2026; and
Email from the applicant received 25 February 2026.

Procedural Issues

At the site visit, the case officer noted that the existing dormer is located in the front elevation and not the rear elevation of the application property. As such, and with the agreement of the applicant, the description of the proposal was amended from 'Application for an Existing Lawful Development Certificate in respect of the single storey rear extension; dormer extension in rear roof slope and conversion of the loft space to habitable rooms.' to that shown at the start of this report.

Property Type

The property comprises of a semi-detached, bungalow with front and rear gardens.

Material Consideration

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

Relevant Planning History

Reference	Description	Decision	Decision
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			Date
19551100	Development as a residential estate	Permitted	28.06.1955

Officer Assessment

The time limits for taking enforcement action are set out in Section 171B of the Town and Country Planning Act 1990 (as amended). In most cases, development becomes immune from enforcement if no action is taken:

- within 10 years of substantial completion for a breach of planning control consisting of operational development where substantial completion took place on or after 25 April 2024
- within 10 years for an unauthorised change of use to a single dwellinghouse where the change of use took place on or after 25 April 2024
- within 4 years of substantial completion for a breach of planning control consisting of operational development where substantial completion took place before 25 April 2024;
- within 4 years for an unauthorised change of use to a single dwellinghouse where the change of use took place before 25 April 2024
- within 10 years for any other breach of planning control (essentially other changes of use)

The existing dormer, loft conversion and rear extension are operational development. As such, in order to be considered immune from enforcement action, they must have been in place for a period of ten years, if substantial completion took place on or after 25 April 2024 or four years, if substantial completion took place before 25 April 2024.

The applicant has provided an aerial image illustrating that the existing dormer and rear extension have been in place since 2003 and information gathered by the case officer (from the site visit, Google Maps and Google Earth) corroborates that contention.

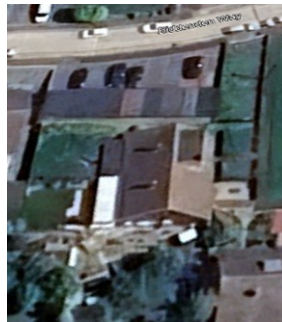
The following images illustrate the existing development over time;



01 January 2003
Google Earth



September 2009
Google Maps



06 August 2025
Google Earth



03 February 2026
Case Officer's Photograph

Therefore, because the existing operational development was substantially complete in January 2003 and has been in place for a period in excess of four years, it is immune from enforcement action and has become lawful through the passage of time.

Further information

The information below forms an assessment of the works against the current GPDO, if it was not deemed that the works were lawful through the passage of time;

- The eaves of the existing rear extension are higher than the eaves of the dwelling. Therefore, the proposed development fails to comply with paragraph A.1(d) of Part 1, Schedule 2 of the Town and

Country Planning (General Permitted Development) (England) Order 2015 (as amended) and would not have been permitted development.

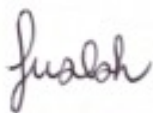
- The existing dormer extends beyond the plane of the roof slope on the principal elevation of the dwelling facing a highway. As such, the proposed development fails to comply with paragraph B.1(c) of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and would not have been permitted development.
- The existing dormer, loft conversion and rear extension are operational development that would have required planning permission and as such, they are considered to be a breach of planning control. However, it should be noted that no enforcement action has been taken against this breach to date.

However it does not affect the assessment of this lawful development certificate.

Conclusion

The existing dormer, loft conversion and rear extension are operational development that has been in place for a period in excess of four years and were substantially complete in January 2003. Therefore, pursuant to Section 171B of the Town and Country Planning Act 1990 (as amended), the existing development is immune from enforcement action and has become lawful through the passage of time. As such, a Lawful Development Certificate can be granted.

Recommendation: <u>Grant</u> Lawful Development Certificate
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Case Officer:	Mrs Kelly Joyce	Team Leader:	Mrs Faye Walsh
Signed:		Signed:	
Dated:	25 February 2026	Dated:	02 March 2026