

Delegated Report

Lawful Development Certificate (Proposed)

Application no:	20230975
Location	10 Lanes Avenue Northfleet Gravesend Kent
Proposal:	Lawful development certificate in respect of the erection of a single storey 2.5m high outbuilding as a games room to the rear.
Applicant:	Mr Domonik Mita
Site Visit	N/A Desktop Assessment

Plans & Documents

Application Form;
Drawing No. 001 – Site Location Plan and Block Plans – Existing and Proposed; and
Drawing No. 002 – Floor Plan and Elevations – Proposed.

Plan Note

Google Images of the site indicate the plans do not reflect the existing site, which, according to the images, includes the division of the garden with a fence:



This appears to be used as a storage area and does not impact the assessment of this application.

Property Type

10 Lanes Avenue is a two-storey mid terraced property located south west of the highway.

Material Consideration

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

Relevant Planning History

Reference	Description	Decision	Decision Date
20230477	Application for a Lawful Development Certificate in respect of the proposed erection of a single storey outbuilding to the rear.	Certificate Refused	29.06.2023

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.

E.1	Development is not permitted by Class E 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)	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
(c)	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
(d)	The building would have more than a single storey;	N
(e)	The height of the building, enclosure or container would exceed –	
	(i) 4 metres in the case of a building with a dual-pitched roof,	N/A
	(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	N

	(iii) 3 metres in any other case;	2.50m (max) N/A
(f)	The height of the eaves of the building would exceed 2.5 metres;	N 2.50m
(g)	The building, enclosure, pool or container would be situated within the curtilage of a listed building;	N
(h)	It would include the construction or provision of a verandah, balcony or raised platform;	N
(i)	It relates to a dwelling or a microwave antenna; or	N
(j)	The capacity of the container would exceed 3,500 litres	N/A
(k)	the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses)	N
E.2	In the case of any land within the curtilage of a dwellinghouse which is within – (a) An area of outstanding natural beauty; 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
E.3	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

Incidental to the main dwellinghouse

This application seeks to obtain a Lawful Development Certificate for the erection of an outbuilding to form a games room. Since the refusal of application 20230477, the floor plans have been amended to omit the living room style area and bathroom, with the plans for this current application showing a games room and a toilet (WC) only. The WC can be considered an example of primary living accommodation which would not be an incidental use under Class E and would require planning permission. However, a degree of reasonableness can be applied. The proposed WC contains a basin and toilet only and therefore is likely to be used only in connection with the games room. Overall, the Local Planning Authority consider the outbuilding to be incidental to the main dwellinghouse.

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

Case Officer:	Mrs Lucy Hankin	Team Leader:	Richard Hart
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Signed:	L Hankin	Signed:	<i>R Hart</i>
Dated:	15 th November 2023	Dated:	15th November 2023