



Delegated Report

Lawful Development Certificate (Proposed)

Application no:	20251241
Location	82 Cross Lane East Gravesend Kent DA12 5HB
Proposal:	Application for a Proposed Lawful Development Certificate for single storey rear extension with flat roof.
Applicant:	Mr Simon Fincham
Site Visit	N/A Desktop Assessment

Plans & Documents

Application Form;
Supplementary Information – Supporting Statement;
Drawing No. 4533 – 01 – OS Plan;
Drawing No. 4533 – 02 – Block Plan – Pre-Existing;
Drawing No. 4533 – 03 – Ground Floor Plan – Pre-Existing;
Drawing No. 4533 – 04 – Elevations – Pre-Existing;
Drawing No. 4533 – 05 – Block Plan – Existing;
Drawing No. 4533 – 05 – Ground Floor Plan – Existing;
Drawing No. 4533 – 07 – Elevations – Existing;
Drawing No. 4533 – 08 – Block Plan – Proposed;
Drawing No. 4533 – 09 – Ground Floor Plan – Proposed; and
Drawing No. 4533 – 10 – Elevations – Proposed.

Property Type

82 Cross Lane East is a two storey semi-detached property.

Material Consideration

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

Relevant Planning History

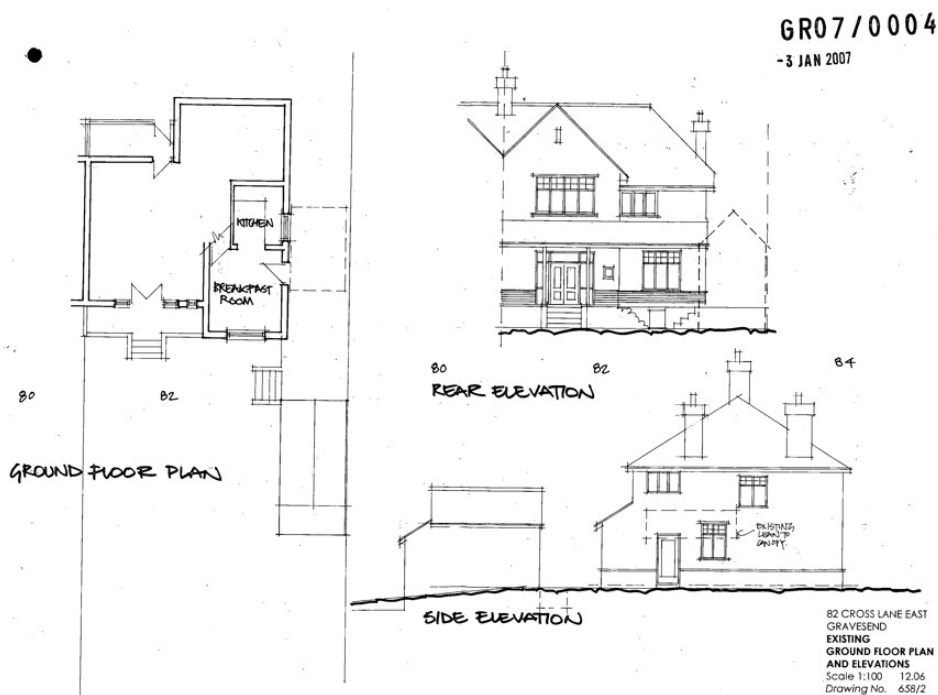
Reference	Description	Decision	Decision Date
20250735	Retention of the raised deck, and proposed installation of 1.00m balustrade on the raised deck along with an increase in the height of the boundary fencing.	Application Refused	16.09.2025
20241078	Retrospective application for retention of existing wooden privacy screen attached to existing boundary wall and fence.	Permitted	01.04.2025

20070004	Erection of a conservatory at the rear.	Permitted	12.02.2007
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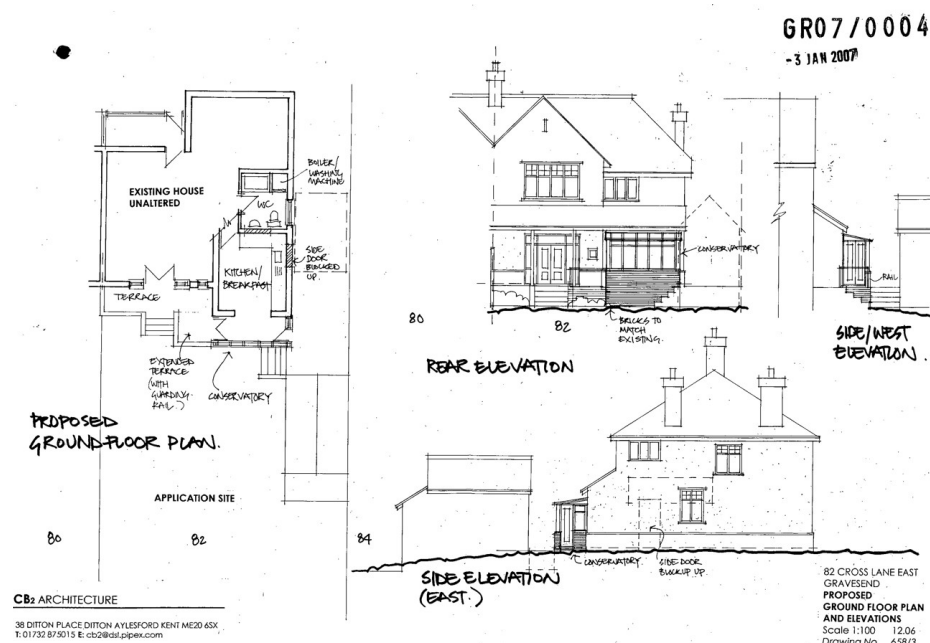
Planning History Note

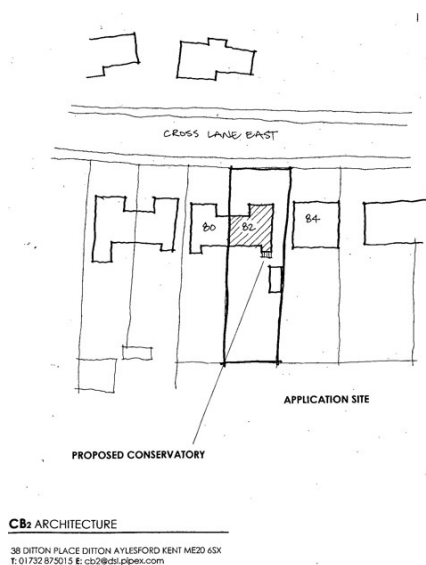
As per planning approval 20070004, there has been an erection of a conservatory to the rear of the property. Plans for this application are included below:

Existing Plans



Proposed Plans





82 CROSS LANE EAST
GRAVESEND
SITE/ LOCATION PLAN
Scale 1:500 12/06
Drawing No. 658/1

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 G, M, MA, 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 4.00m
(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
(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
(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	Y 4.00m
(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 4.00m N Y
(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 (iv) an alteration to any part of the roof of the dwellinghouse; or	See below N N N

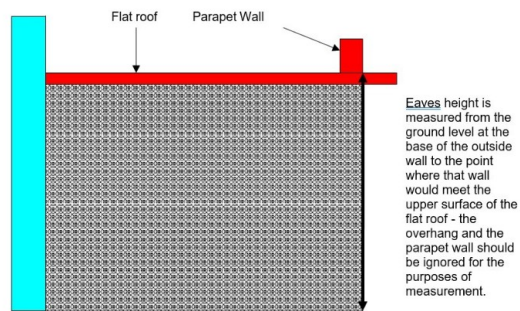
(l)	the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses)	N
A.2	In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if –	Y/N
(a)	it would consist of or include the cladding of any part of the exterior of the dwellinghouse 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
(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/A
(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/A

Assessment Notes

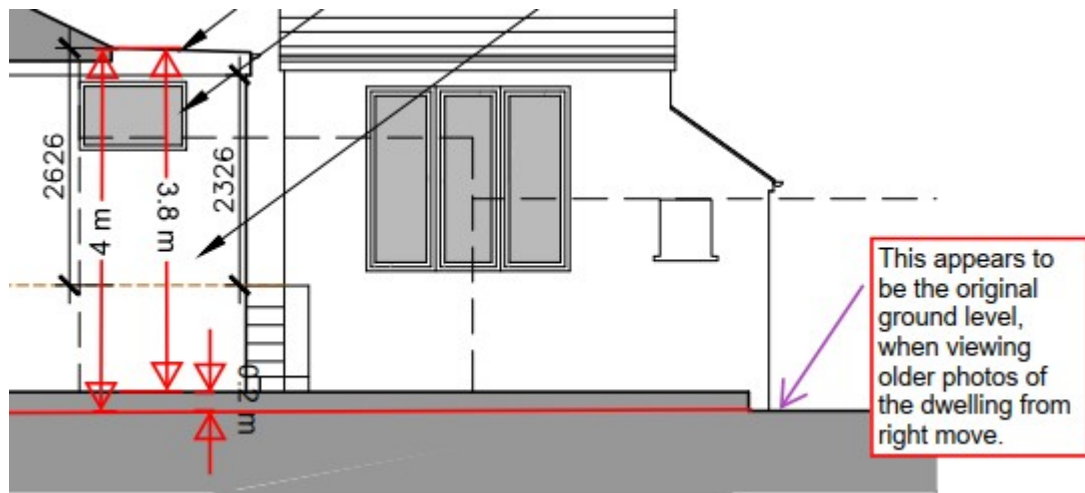
The proposal fails to comply with the requirements of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). This is set out below in more detail:

A.1 (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

As indicated on the plans, the enlarged part of the dwellinghouse would be within 2.00m of the boundary which therefore limits the eaves height of the extension to 3.00m. The measurement of eaves height is set out within the government technical guidance for permitted development:



The plan measurements show that the proposed extension would exceed 3.00m:



Right Move Image



Previous Site Visit Photo



The Local Planning Authority consider the eave height to therefore be at 4.00m.

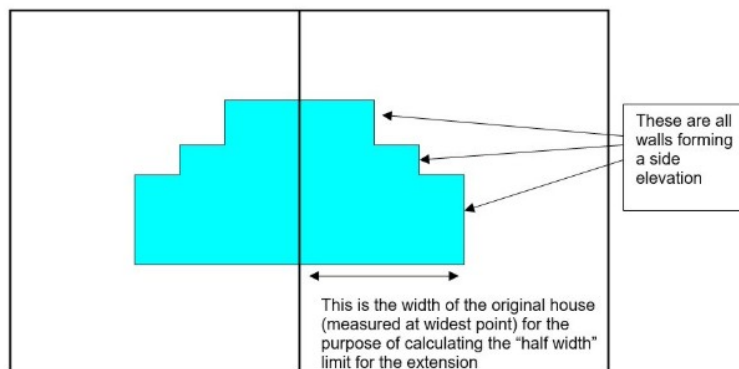
A.1 (j(iii)) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would –

have a width greater than half the width of the original dwelling;

The government technical guidance sets out the following:

A wall forming a side elevation of a house will be any wall that cannot be identified as being a front wall or a rear wall. Houses will often have more than two side elevation walls.

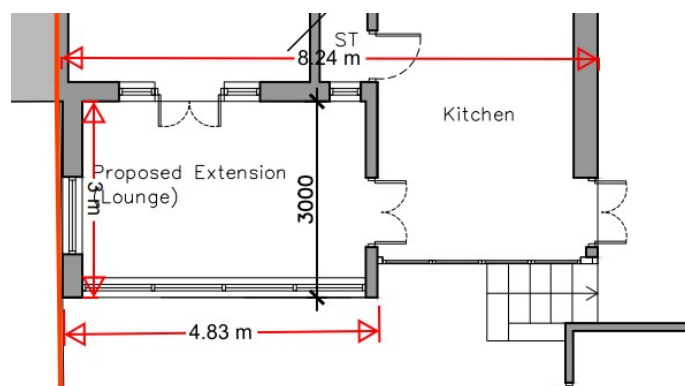
For example:



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.

As previously mentioned, planning consent was granted for the construction of a rear conservatory. Within the

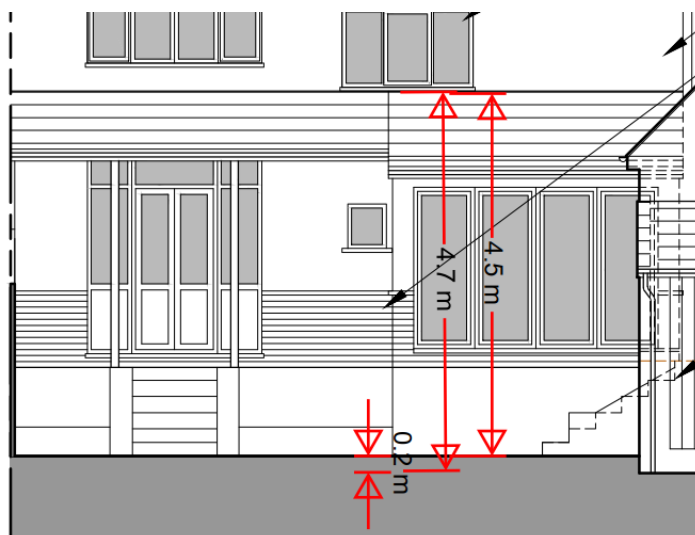
plans for application 20070004 (included in this report above) it is evident the rear of the dwelling was designed to be staggered, with a rear projection on the eastern side of the rear elevation (please refer to existing plans and the block plan included above). The block plan indicates this forms part of the pattern of development in this part of Cross Lane East. As such, it is evident that this original projection forms a side elevation of the dwellinghouse, and the proposed extension exceeds half the width of the original dwellinghouse:



A.1 (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); In addition to the above, the application would fail under A.1 (ja). The government technical guidance states:

Where the proposed extension is to be joined to an existing extension to the original house, whether that was built following a planning application or under permitted development rights, the total enlargement (being the proposed extension together with the previous extension) must meet the limits set out in (e) to (j) above.

The plans show that the proposed extension would be joined with an existing extension (the conservatory) of the original house. As such, assessment under (ja) is required. Under this assessment, the application also fails to comply with Class A.1 (f) (ii) (under ja), as the height of the total enlargement would exceed 4.00m:



Pre-Existing Rear (South) Elevation
1:100

The proposal would also fail under (j)(i), again because the total enlargement of the dwelling, extending beyond a wall forming a side elevation of the dwellinghouse would exceed 4.00m in height. Additionally, the

proposal would fail under (ja) under (j)(iii) as the total enlargement of the dwelling, extending beyond a wall forming a side elevation of the dwellinghouse would have a width greater than half the width of the dwellinghouse- in this case the total enlargement would span across the full width of the dwelling.

Additional note

The application has been assessed as an extension to the dwelling. The proposal, as submitted by the agent indicate they have approached the assessment differently. Notwithstanding that it is considered that the Local Planning Authority have assessed this proposal in the correct way, the proposal as presented by the agent, appears to show dimensions measured from an extension to the veranda. As per the government guidance: *Verandahs, balconies and raised platforms are not permitted development and will require planning permission.*

Conclusion

The proposal fails to comply with the requirements of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

The proposed development fails to comply with Class A.1 (i) as the extension would be within 2.00m of the boundary, and the height of the eaves of the extension would exceed 3.00m. In addition, the development does not accord 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.

Furthermore, 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 the stated limitations. The application therefore fails, under the mechanism of (ja), to accord with A.1 (f) (ii), as the height of the total extension would exceed 4.00m. The proposal would also fail under (j)(i), again because the total enlargement of the dwelling, extending beyond a wall forming a side elevation of the dwellinghouse would exceed 4.00m in height, and also A.1 (j) (iii) as the total enlargement of the dwelling, extending beyond a wall forming a side elevation of the dwellinghouse would have a width greater than half the width of the dwellinghouse- in this case the total enlargement would span across the full width of the dwelling.

Recommendation: Refuse Lawful Development Certificate

Case Officer:	Mrs Lucy Hankin	Team Leader:	Richard Hart
Signed:	L Hankin	Signed:	<i>R Hart</i>
Dated:	29th January 2026	Dated:	2nd February 2026