



Delegated Report

Lawful Development Certificate (Proposed)

Application no:	20240332
Location	119 Landseer Avenue, Northfleet, Gravesend, Kent, DA11 8NW
Proposal:	Application for a Lawful Development Certificate in respect of permeable hardstand and vehicular cross over.
Applicant:	Mr Adam Charlick
Site Visit	N/A Desktop Assessment

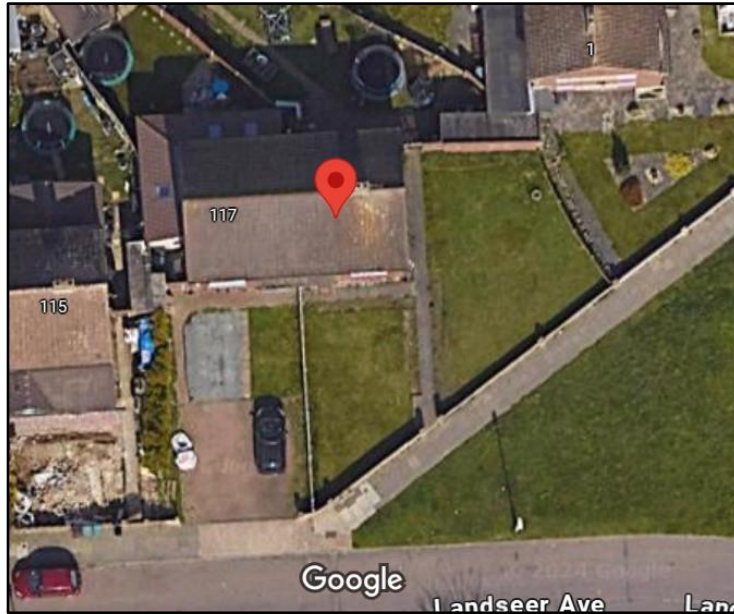
Plans & Documents

- Application Form dated 14/05/2024.
- Drawing no. (02)001 - Existing Layout.
- Drawing no. (02)002 - Existing Block and Location Plan.
- Drawing no. (07)001 - Proposed Layout.
- Drawing no. (07)002 - Proposed Block Plan and Location Plan.

Property Type

The property comprises a semi-detached dwelling.





(Images – Google Maps)

Material Consideration

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

Relevant Planning History

Reference	Description	Decision	Decision Date
20211366	Erection of a single storey side extension.	Permitted	15.12.2021

Officer Assessment

This proposal comprises two elements:

- The proposed hard surface
- The proposed means of access to a highway

Each of these elements are considered below:

The proposed hard surface

In determining whether the proposed hard surface constitutes “permitted development”, it needs to be considered against the provisions of Class F of Part 1 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). This is set out and assessed below:

Class F – hard surfaces incidental to the enjoyment of a dwellinghouse

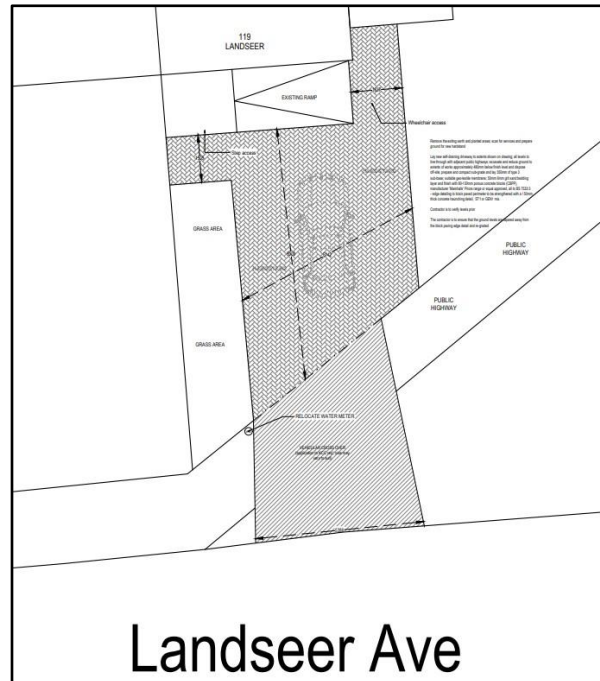
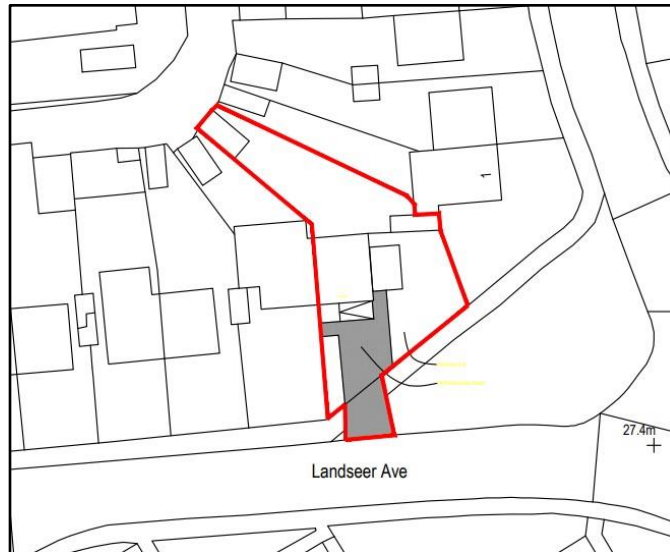
Permitted development

F. Development consisting of—

- (a) the provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse as such; or
- (b) the replacement in whole or in part of such a surface.

F.1	Development is not permitted by Class F 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)	the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses)	N
F.2	Development is permitted by Class F subject to the condition that where	
(a)	The hard surface would be situated on land between a wall forming the principal elevation of the dwellinghouse and a highway, and	N – see below
(b)	The area of ground covered by the hard surface, or the area of hard surface replaced, would exceed 5 square metres,	Y
	Either the hard surface is made of porous materials, or provision is made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse.	Y

Part of the proposed hardstanding would be located on land which lies outside the curtilage of the existing dwellinghouse and between a public footpath and the highway. This is clearly shown on the following extracts from the submitted drawings:



As part of the proposed hardstanding area would not fall within the curtilage of the existing dwellinghouse, the proposal fails to meet the criterion set out above in Class F(a). The proposed hardstanding does not therefore constitute “permitted development”.

The proposed means of access to a highway

In determining whether the proposed access to the highway constitutes “permitted development”, it needs to be considered against the provisions of Class B of Part 2 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). This is set out and assessed below:

Class B – means of access to a highway

Permitted development

- B. The formation, laying out and construction of a means of access to a highway which is not a trunk road or a classified road, where that access is required in connection with development permitted by any Class in this Schedule (other than by Class A of this Part).**

Landseer Road is not a trunk road or classified road. The proposal therefore satisfies this element of Class B. However, there is also a requirement that the access is required in connection with development permitted by any Class in Schedule 2 (other than Class A of Part 2). Although the access is required in connection with the hardstanding referred to above, this hardstanding does not constitute permitted development. As such the access would not be provided in connection with “development permitted by any Class in this Schedule (other than by Class A of this Part)”. The proposed access therefore fails to meet the tests set out above in Class B.

Conclusion

The proposed hardstanding and access to the highway would involve part of the hardstanding area being located on land which lies outside the curtilage of the existing dwellinghouse. For the reasons set out above, this would not constitute “permitted development”. A planning application would therefore be required for these works.

Recommendation:

REFUSE the Lawful Development Certificate (proposed) for the following reason:

1. The development works to form a vehicular access and hardstanding to this dwelling would involve the construction of a hardstanding which partly lies outside the curtilage of the existing dwellinghouse. Such works do not fall within the scope of the provisions set out in Class F(a) of Part 1 and Class B of Part 2 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). A planning application would therefore be required

Case Officer: Mr Gary Edwards

Signed: G Edwards

Dated: 11 June 2024

Team Leader: Richard Hart

Signed: *R Hart*

Dated: 11th June 2024