



Delegated Report

Lawful Development Certificate (Proposed)

Application no:	20260261
Location	Sunny Side Round Street Cobham Gravesend
Proposal:	Application for a Proposed Lawful Development Certificate; Demolition of existing single storey rear extension. Erection of a part two storey/part single storey rear extension. Erection of a single storey side extension.
Applicant:	Mrs G Everitt
Site Visit	N/A Desktop Assessment

Plans & Documents

Application Form
25/646/01 A – Existing Drawing
25/646/03 – Proposed Drawing

Property Type

The property comprises a two-storey, semi-detached dwelling.

Material Consideration

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

Relevant Planning History

Reference	Description	Decision	Decision Date
20260262	Prior approval application for a single storey rear extension with a depth of 6 metres, maximum height of 3 metres and eaves height of 3 metres.	Prior Approval Not Required	09.04.2026

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
(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 3m deep
(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;	M (i) 3m deep (ii) Minimum 21.4m from rear boundary
(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 The extension is within 2 metres of the boundary and the eaves exceed 3m in height.
(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	Y The proposed extension would extend beyond a side elevation and be greater than half the width of the original dwelling
(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);	N
(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	Y Based on positioning of bathroom it is likely the soil and vent pipe would be relocated. See Class G
(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	N/A

	dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;	
(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 Not explicitly stated but Informative may be applied
(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	Y Not explicitly stated but Informative may be applied
(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.	Y

Class G – chimneys, flues etc on a dwellinghouse

The installation, alteration or replacement of a chimney, flue or soil and vent pipe on a dwellinghouse.

G.1	Development is not permitted by Class G if –	G.1
(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 height of the chimney, flue or soil and vent pipe would exceed the highest part of the roof by 1 metre or more; or	Y Details not provided
(c)	In the case of a dwellinghouse on article 2(3) land, the chimney, flue or soil and vent pipe would be installed on a wall or roof slope which (i) fronts a highway, and (ii) forms either the principal elevation or a side elevation of the dwellinghouse.	N/A

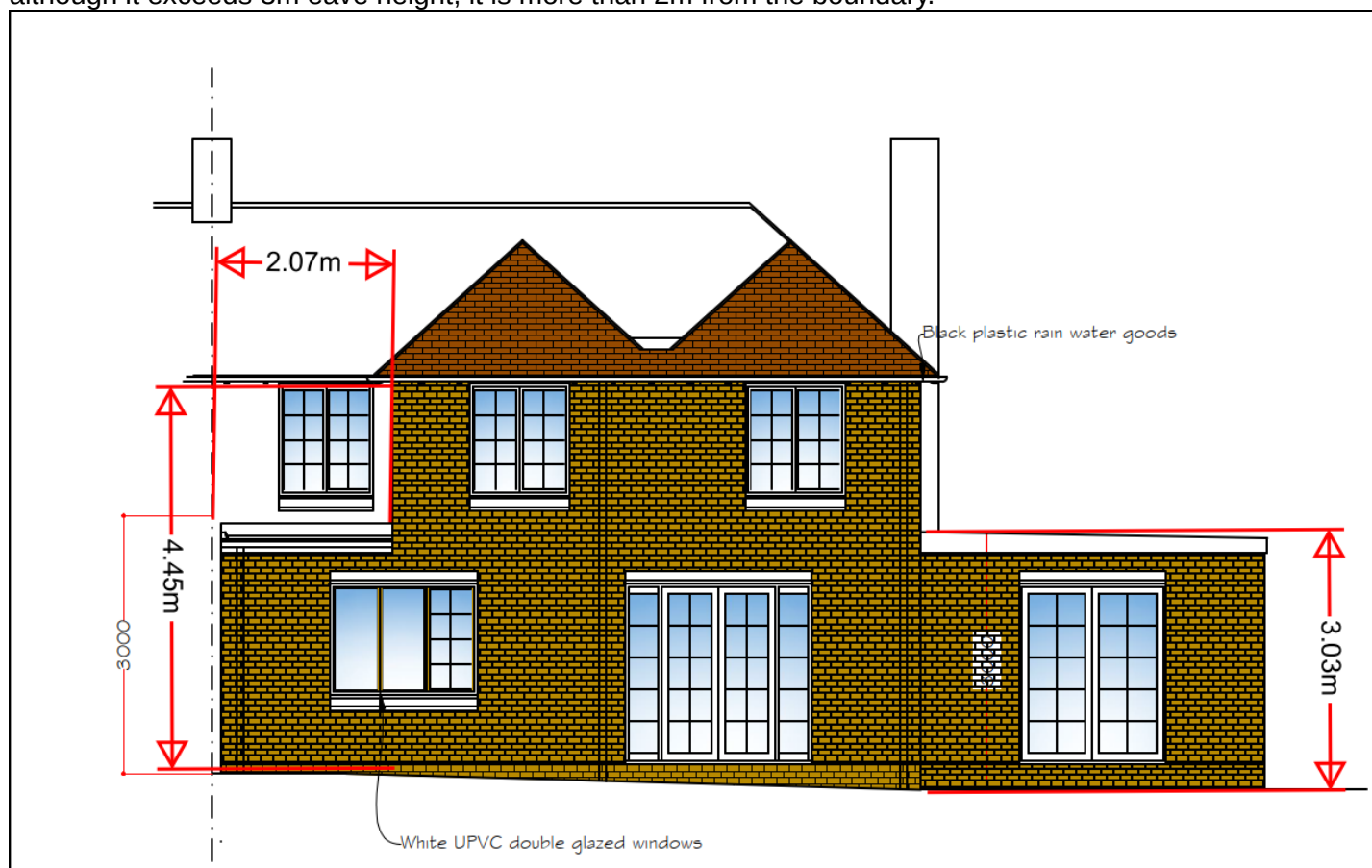


(d)	the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses)	N
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Class A, Part 1, Schedule 2 of the GPDO under paragraph (i) states that development is not permitted if:

'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 the below image shows, the single storey part of the extension alone would comply as although it is within 2 metres of the boundary it has an eave height below 3m. The two-storey element alone would also apply as although it exceeds 3m eave height, it is more than 2m from the boundary.



Appeal Decision ref; APP/D1835/X/11/2167575 (Appendix A), involved the demolition of a single storey extension to the dwelling followed immediately by the erection of a part two-storey and part single storey structure. The appellant claimed that the two-storey and single storey part of the structure should be considered separately and relied on the judgment in *Hendriks v Secretary of State for the Environment and Eastbourne Borough Council* [1990]. On this basis the two storey element did not lie within seven metres of the boundary and accordingly complied with paragraph A.1(f)(ii) of Class A to Part 1 of Schedule 2 of the GPDO 2008. The inspector decided that the *Hendriks* judgment did not apply because it had involved developments involving two different parts of the GPDO and not one which was the case in the appeal before him. Paragraph A.1(f)(ii) related to the enlargement of the original dwellinghouse, and this comprised a single extension involving a one and two storey development. The single storey element fell within the seven-metre limit and this meant that the whole of the extension required permission. If the intention of the order had required that the measurement should be made from the rear wall of that part of the development having more than one storey, then it could easily have said so. The technical guidance published by government reinforced his interpretation on this matter and he concluded that he did not need to address the position whereby the two-

storey extension had been built first and then a single storey extension added at a later date. This potential anomaly did not mean that a certificate should be issued.

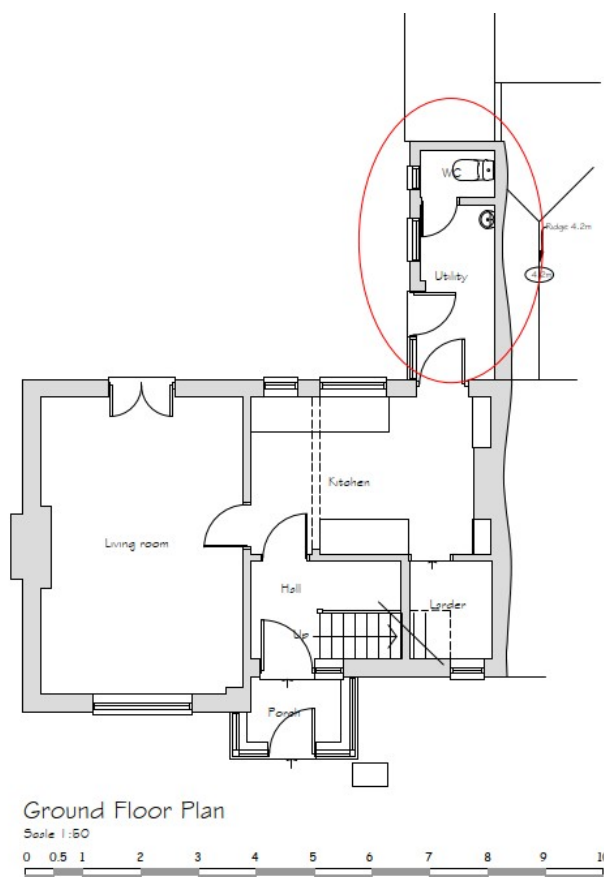
Whilst this appeal decision refers to a different element of Class A, the interpretation and application of the policy by the inspector is appropriate for universal application within Class A, unless explicitly stated otherwise. In this case too, a part single storey and part two-storey element is proposed and for this purpose should be considered as a whole as per the aforementioned planning judgement. As such, it is considered that the extension is within 2 metres of the boundary and exceeds 3m in eave height.

On paragraph (i), the GPDO Technical Guidance states:

'Where any part of a proposed extension to a house is within 2 metres of the boundary of its curtilage, then the maximum height of the eaves that is allowed for the proposal is 3 metres. Under paragraph (ja) (see page 28) if the proposed extension is within these limitations, but is being joined to a previous enlargement which exceeds these limitations, it will not be permitted development.'

As such, it is ascertained that even if the two-storey element were built under Permitted development rights without the single storey element, and the single storey element added at a later date, it would fail to be compliant with paragraph (i) and would still not be permitted development. This reinforces the Local Authority's view that in this instance the proposed development would fail to be compliant with paragraph I, Class A, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

In addition to failing part I, part j has been reviewed as relevant. The image below shows the existing layout. The proposed extension would extend beyond the side elevation of the part of the original building circle in red. As the extension would extend along the whole width of the building, it would be above 4 metres in height, have more than a single storey and would be greater than half the width of the original building, thus failing part j.



This approach has been verified at appeal under reference APP/K2230/D/22/3292207 for 54 St James Avenue, Gravesend.

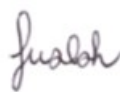
It is noted that recent application for prior approval for larger home extension did not pick this up as an issue. This was an error on that application and despite that case, the correct procedure is to assess this application against the GPDO, and so the scheme would also fail to be compliant with paragraph J, Class A, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

It is noted that the proposal would involve the relocation of the first floor bathroom. This being the case the soil and vent pipe would likely require relocation. No details are provided. However, this application has not explicitly requested the Local Planning Authority view on this change, and so it would not in this case be a reason for refusal, but Class G requirements should be noted by the applicant and planning agent, in any future schemes for this site.

Recommendation

1. The proposed extension fails to comply with A.1 (i) of Schedule 2, Part 1, Class A of THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015, AS AMENDED, as the extension is within 2 metres of the boundary and exceeds 3m in eave height.
2. The proposed extension fails to comply with A.1 (j) of Schedule 2, Part 1, Class A of THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015, AS AMENDED, as the extension is would extend beyond an original side elevation of the dwellinghouse and would exceed 4 metres in height, have more than a single storey and have a width greater than half the width of the original dwelling.

Recommendation: Refuse Lawful Development Certificate

Case Officer:	Mrs Lisa Fisher	Team Leader:	Mrs Faye Walsh
Signed:		Signed:	
Dated:	1 st May 2026	Dated:	01 May 2026