

Delegated Report

Lawful Development Certificate (Proposed)

Application no:	20250747
Location	9 Orchard Avenue Gravesend Kent DA11 7NX
Proposal:	Application for a Proposed Lawful Development Certificate; Conversion of loft space to form habitable rooms with hip to gable alteration and dormer in rear roof slope.
Applicant:	Mr E Stone
Site Visit	N/A Desktop Assessment

Plans & Documents

Application form for a Lawful Development Certificate for a Proposed Use or Development;
Drawing no. 1A Existing and proposed layouts and elevations and proposed roof plan;
Site location plan;
Proposed parking plan;
Letter from the agent dated 21 July 2025;
Photograph of the rear elevation; and
Email from the agent received 08 August 2025.

Property Type

The property comprises of a two storey, semi-detached dwelling with front and rear gardens.

Material Consideration

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

Relevant Planning History

Reference	Description	Decision	Decision Date
20250462	Conversion of loft space to form habitable rooms with dormer in rear roof slope, extension to roof at side and roof light in front roof slope.	Refused	04.07.2025
20200277	Erection of a single storey rear extension and construction of a dormer window in the front roof slope.	Permitted	01.05.2020
19970729	Erection of car port to side.	Permitted	25.11.1997

Officer Assessment

Permitted Developments Rights Restrictions

Article 2 (3) Land (AONB, Conservation Area)	No
Article 4 Direction	No
Permitted Development Rights Removed/Restricted	No

Class B - The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.

B.1	Development is not permitted by Class B 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)	Any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;	N
(c)	Any part of the dwellinghouse would, as a result of the works, extend, beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway;	Y * (for the rooflights – refer to Class C)
(d)	The cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than – (i) 40 cubic metres in the case of a terrace house, or (ii) 50 cubic metres in any other case;	N (circa 43m ³)
(e)	It would consist of or include – (i) the construction or provision of a verandah, balcony or raised platform or (ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe;	N N
(f)	The dwellinghouse is on article 2 (3) land	N
(g)	The dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).	N
(h)	The existing dwellinghouse has been enlarged in reliance on the permission granted by Class AA (enlargement of a dwellinghouse by construction of additional storeys).	N
B.2	Development is permitted by Class B subject to the following conditions –	Y/N
(a)	The materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;	? **
(b)	The enlargement must be constructed so that – (i) other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side – extension (aa) the eaves of the original roof are maintained or reinstated; and (bb) the edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge of the eaves; and	Y (regarding dormer) Y (regarding dormer)

	(ii) other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwelling house; and	Y (regarding dormer)
(c)	Any window inserted on 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.	N/A

* It is noted that the set down and set back area of sloping roof located at the side of the building is part of the original dwelling (although the front dormer is a later addition). This roof slope is a principal elevation of the dwelling and fronts a highway. The proposed hip to gable enlargement would extend beyond the plane of the existing roof slope at the side and as such, the proposed development would not comply with paragraph B.1 (c) of Part 1, Schedule 2 of the GPDO. In coming to this conclusion, reference has been made to page 33 of Permitted Development Rights for Householders Technical Guidance (September 2019), which states that;

The principal elevation could include more than one roof slope facing in the same direction. For example, where there are large bay windows on the front elevation, or where there is an 'L' shaped frontage. In such cases, all such roof slopes will form the principal elevation and the line for determining what constitutes 'extends beyond the plane of any existing roof slope' will follow these slopes (see guidance on Class A (e) for an illustration of this on page 15).

The following image illustrates (in red) the plane of the existing affected roof slope, which forms the principal elevation of the dwellinghouse and fronts a highway;



** The submitted drawings do not illustrate full details of the proposed external facing materials. As such, any certificate granted would include an informative explaining the requirement for the materials to be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.

Class C - Any other alteration to the roof of a dwellinghouse.

C.1	Development is not permitted by Class C if -	Y/N
(a)	permission to use the dwelling 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 alteration would protrude more than 0.15 metres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof;	? ***
(c)	it would result in the highest part of the alteration being higher than the highest part of the original roof;	N
(d)	it would consist of or include – (i) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or (ii) the installation, alteration or replacement of solar photovoltaics or solar thermal equipment.	N N
(e)	The dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).	N
C.2	Development is permitted by Class C subject to the condition that any window located on a roof slope forming a side elevation of the dwellinghouse must be- (a) obscure-glazed; and (b) 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.	N/A

*** The submitted drawings do not illustrate the protrusion of the proposed velux window from the plane of the original roof slope. As such, any certificate granted would include an informative explaining the requirement for this to be less than 0.15 metres.

Conclusion

By virtue of the proposed hip to gable enlargement extending, beyond the plane of the existing roof slope on a principal elevation of the dwelling, which fronts a highway, the proposed development would not comply with paragraph B.1 (c) of Part 1, Schedule 2 of the GPDO. Therefore, planning permission is required and a lawful development certificate cannot be granted.

Recommendation: Refuse Lawful Development Certificate

Case Officer:	Mrs Kelly Joyce	Team Leader:	Richard Hart
Signed:		Signed:	
Dated:	17th September 2025	Dated:	18 th September 2025