

Delegated Report

Lawful Development Certificate (Proposed)

Application no:	20240054
Location	18 Dobson Road Gravesend Kent DA12 5TE
Proposal:	Application for a Lawful Development Certificate in respect of the proposed erection of a outbuilding in the rear garden.
Applicant:	Mr David Attwaters
Site Visit	N/A Desktop Assessment

Plans & Documents

Application Form
 2.2 – Location Plan
 2.3 Rev A – Site Block Plan Existing
 2.4 Rev B – Outbuilding Ground Floor Plan Existing
 2.5 Rev B – Outbuilding Roof Plan Existing
 2.6 Rev B – Outbuilding Elevations Existing
 2.7 Rev B – Outbuilding Ground Floor Plan Proposed
 2.8 Rev B – Outbuilding Roof Plan Proposed
 2.9 Rev B – Outbuilding Elevations Proposed
 2.10 Rev B – Site Block Plan Proposed
 Outbuilding Specification
 Justification Document

Property Type

The property comprises a semi-detached bungalow in use as a single family dwelling.

Material Consideration

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

Relevant Planning History

Reference	Description	Decision	Decision Date
20231231	Application for a Lawful Development Certificate in respect of the proposed erection of a outbuilding in the rear garden.	Certificate Granted	12.01.2024
20231217	Prior approval application for a single storey rear extension with a depth of 5.35 metres, maximum height of 3.43 metres and eaves height of 2.47 metres.	Prior Approval Not	05.01.2024

		Required	
20231122	Erection of a porch on the side elevation with addition of new steps.	Permitted	29.12.2023
20231069	Prior approval application for a single storey rear extension with a depth of 5.35 metres, maximum height of 3.25 metres and eaves height of 2.80 metres.	Refused	28.11.2023
20231065	Application for a Lawful Development Certificate in respect of the proposed erection of a outbuilding in the rear garden.	Certificate Refused	27.11.2023

Officer Assessment

Permitted Developments Rights Restrictions

Article 2 (3) Land (AONB, Conservation Area)	N
Article 4 Direction	N
Permitted Development Rights Removed/Restricted	N

Application reference 20231065 for a similar scheme was refused due to the engineering operations which were proposed under that scheme. It is noted that this proposal would involve land level reduction which would be less than 0.3m and so would not constitute engineering operations in this instance.

This application also follows a granted Lawful Development Certificate under planning reference 20231231 which was for a similar scheme. This proposal alters the position, orientation and design of that previously approved. It should be noted that this assessment is based on the understanding that this outbuilding would be built as an alternative to that scheme and not in addition.

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, (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 (iii) 3 metres in any other case;	(i) N/A (ii) N (2.448) (iii) N/A
(f)	The height of the eaves of the building would exceed 2.5 metres;	N
(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
(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

Drawing Number 2.7A (Ground Floor Plan Proposed) shows the outbuilding is to be used as a gymnasium with shower room/WC. Therefore, the outbuilding is considered incidental to the enjoyment of the dwellinghouse.

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 Lisa Fisher	Team Leader:	Miss Faye Hobbs
Signed:		Signed:	
Dated:	4 th March 2024	Dated:	05 March 2024

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