

Delegated Report

Lawful Development Certificate (Proposed)

Application no:	20231156
Location	32 And 34 Denton Court Road Gravesend Kent DA12 2HS
Proposal:	Application for a Lawful Development Certificate in respect of the proposed removal of the shared chimney stack.
Applicant:	Ms. Rose Kirkum Miss Ana Antunes
Site Visit	N/A Desktop Assessment

Plans & Documents

- Application Form
- Site Location Map
- Land Registry Map
- Drawing No: 0101 (Existing Site Plan)
- Drawing No: 0201 (Existing/Proposed Elevations)
- Drawing No: 0202 (Existing/Proposed Roof Plans)

Supplementary Information

- Site Image
- Cover Letter

Property Type

The properties comprise a mid terrace and an end of terrace houses.



Material Consideration

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

Relevant Planning History

Reference	Description	Outcome	Decision Date
20230804	Application for a Lawful Development Certificate in respect of the proposed removal of chimney stack above roof line.	Certificate Refused	13.09.2023

Officer Assessment*Permitted Developments Rights Restrictions*

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

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 M, 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;	N
(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
(e)	It would consist of or include – the construction or provision of a verandah, balcony or raised platform or the installation, alteration or replacement of a chimney, flue or soil and vent pipe; or	N Y – SEE CLASS G
(f)	The dwellinghouse is on article 2 (3) land	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;	Y – CONFIRMED ON APP FORM
(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	N/A N/A N/A

	(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 (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	
(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 N/A

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 M, 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;	N
(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.	Y – SEE CLASS G 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.	

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
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(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	N (0.87m)
(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 N
(d)	the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses)	N

Conclusion

The proposed removal of the shared chimney stack is lawful, the proposed works are contained within the red line boundary on the submitted site plan which indicates the chimney is within the ownership of the applicants. The site is not subjected to any constraints which would otherwise inhibit the removal of the chimney without prior permission from the local planning authority.

Whilst the proposed alterations are deemed not lawful under classes B and C of the GPDO, they are permitted within the scope of Class G.

Recommendation

The proposed demolition of the shared chimney stack falls within Schedule 2, Part 1, Class G of The Town and Country Planning (General Permitted Development) (England) Order 2015, as amended and as such planning permission is not required.

Recommendation: Grant Lawful Development

Case Officer:	Mrs Sharon Sahota	Team Leader:	Miss Faye Hobbs
Signed:		Signed:	
Dated:	5th January 2024	Dated:	05 January 2024