

Supporting Statement

256 Singlewell Road, Gravesend,
Kent, DA11 7RE

Proposed Lawful Development Certificate
for a single-storey outbuilding situated in
the rear garden



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Project reference: PR4503

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Contents

1	Introduction.....	3
2	Site Context	4
3	Relevant History.....	5
4	Proposed Development	8
5	Outbuilding.....	9
6	Conclusions	13

1 Introduction

- 1.1 This Supporting Statement has been submitted in support of an application for the following development at 256 Singlewell Road, Gravesend, Kent, DA11 7RE (hereafter referred to as 'the Site'):

Proposed Lawful Development Certificate for a single-storey outbuilding situated in the rear garden

- 1.2 The proposed development affects the following Land Registry title(s):

Title Number	Description	Owner
K473219	256 SINGLEWELL ROAD, GRAVESEND DA11 7RE	The Applicant

- 1.3 The application is accompanied by the following plans and documents:

- 4503.ON – Supporting Statement
- E116(02)1250-Existing Location and Block Plan
- E116(02)001-Existing Plans and Elevations
- E116(08)005-Existing and Proposed Elevations
- E116(08)002-Existing and Proposed Plot Ratio
- E116(08)1250-Proposed Location and Block Plan
- E116(08)001RevC-Proposed Plans and Elevations

2 Site Context

- 2.1 The Site is a large, detached dwelling that is situated on the east side of Singlewell Road amongst other large, detached residential dwellings and occupies a total of 820m².
- 2.2 The principal elevation of the dwelling comprises 5 red brick pillars that are adjacent to the door that match the brick work of the existing front wall. The dwelling is predominantly white render with a small portion of the elevation being red hung tiles to match the roof. The windows and door are white UPVC, and the guttering and downpipes are a black plastic.
- 2.3 The front driveway is large and allows for approximately 4 parking spaces. It is surrounded by a low wall with brick pillars as well as an electric black metal gate.
- 2.4 In addition to the dwelling is a large outbuilding in the rear garden which is the subject of this application. The building has matching render, windows and guttering to the main dwelling as well as a canopy that extends towards the dwelling.
- 2.5 Surrounding the subject building is an area of artificial grass as well as an area of brick paving that leads to the entrance of the outbuilding. Under the existing canopy is some outdoor seating and some soft landscaping.
- 2.6 In a wider context, the dwelling forms part of a predominantly residential area of Gravesend and is situated directly opposite the Mid Kent Golf Club. Other amenities include a range of shops, restaurants and travel connections to London via train and bus.
- 2.7 This Site is the subject of the following planning constraints and characteristics:
- Flood Zone 1

3 Relevant History

3.1 The following records are understood to be relevant to the Site:

Erection of two blocks of three houses and two blocks of three garages

Ref. No: 19480178 | Status: Application Permitted

Erection of a detached house

Ref. No: 19490673 | Status: Application Permitted

Erection of single storey rear extension to form breakfast area and sun room

Ref. No: 19850554 | Status: Application Permitted

Erection of a conservatory at the rear

Ref. No: 19860074 | Status: Application Permitted

Erection of single storey rear extension to form enlarged living room, dining room, w.c. and bathroom and erection of a pitched roof canopy at the front.

Ref. No: 19960566 | Status: Application Permitted

Erection of two storey side, part first floor and part single storey rear extension to form garage, enlarged kitchen/dining room, family room and hobby room at ground floor level with three bedrooms, two ensuite bathrooms and enlarged bathroom at first floor level and erection of wall and gates to front of property.

Ref. No: 20051103 | Status: Application Refused on the basis that garage would be over intensive and would dominate the dwellinghouse

Erection of part first floor, part two storey and part single storey rear extension and single storey side extension to form garage, gym, family room, breakfast area and hobby room at ground floor level with two bedrooms, ensuite shower room/w.c. and two bathrooms/w.c.'s; construction of pitched roof on front elevation to form canopy incorporating an open front porch; new bay window at first floor level on front elevation with new pitched roofs over both front first floor level windows and erection of wall mounted with railings and gates to front boundary of property.

Ref. No: 20061008 | Status: Application Permitted

Erection of two storey side, part first floor, part two storey and part single storey rear extension to form garage, breakfast area, family room and hobby room at ground floor level with two bedrooms each with balcony and en-suite

bathroom/w.c. and enlarged bathroom/w.c. at first floor level and erection of wall with mounted railings and gates to front of property.

Ref. No: 20060132 | Status: Application Permitted

Construction of additional vehicular access on to a classified road to form an 'in and out' driveway.

Ref. No: 20070377 | Status: Application Permitted

Erection of detached outbuilding with canopy in rear garden to replace existing to provide gym, play room/games room and shed.

Ref. No: 20130959 | Status: Application Permitted

Application for a non-material amendment to planning application reference 20130959 for the erection of detached outbuilding with canopy in rear garden to replace existing to provide gym, play room/games room and shed; to allow roof height and footprint increase, alteration to the pitch of the canopy incorporating installation of roof lights, installation of two roof lights to outbuilding and also to allow deeper windows which will be frosted.

Ref. No: 20140597 | Status: Permitted

Erection of front and side boundary walls with railings and vehicular entrance gates and the widening of the two existing vehicular accesses.

Ref. No: 20150026 | Status: Application Permitted

Extension and raising part of the roof of existing summer house.

Ref. No: 20211033 | Status: Application Refused on the basis that the increased roof height would out of scale and appearance with the surrounding properties.

Application for variation of condition 3 attached to planning permission reference no 20130959 to allow the gym outbuilding to be used for a personal trainer's business, Mon - Fri 8am - 8pm.

Ref. No: 20211246 | Status: Granted Temporary Permission

Erection of a single storey front extension to existing summer house.

Ref. No: 20211273 | Status: Application Permitted

Proposed extension to summer house.

Ref. No: 20211562 | Status: Application Permitted

Extension of outbuilding to enclose existing canopy.

Ref. No: 20250152 | Status: Application Refused on the basis the extension would be excessive in bulk and mass. Furthermore, the canopy has been erected unlawfully.

Change of use of incidental outbuilding for the dwelling to a mixed use Sui Generis building comprising of gym and incidental purposes in relating to the single family dwelling.

Ref. No: 20250547 | Status: Application Permitted

Application for the approval of condition 2 (details of on-site parking for four vehicles and one bicycle (including layout plans, specifications for the weatherproof cycle parking, the signage to identify a defined gymnasium car parking space and the method to ensure that the gymnasium parking space is available to each client) attached to planning reference number 20250547.

Ref. No: 20250991 | Status: Approval of details

Erection of a single-storey front extension to an existing outbuilding with roof lights.

Ref. No: 20250557 | Status: Application Refused on the basis that The proposed increase in depth of the built form along the northern boundary will result in a development out of scale and appearance with the surrounding properties and outbuildings

4 Proposed Development

4.1 The application entails the following elements:

- Erection of an outbuilding adjacent to the existing outbuilding
- 5.28 m wide, 7.65 m deep and 2.5 m high.
- Eaves to be 1.79 m high.
- Roof to be single ply membrane.
- External finish to be white silicone mono-couche render.
- To include 4 bi-folding doors on front and north elevation
- Doors to be white powder-coated aluminium.
- To include 6 rooflights, which are white UPVC and flush with the roof slope.

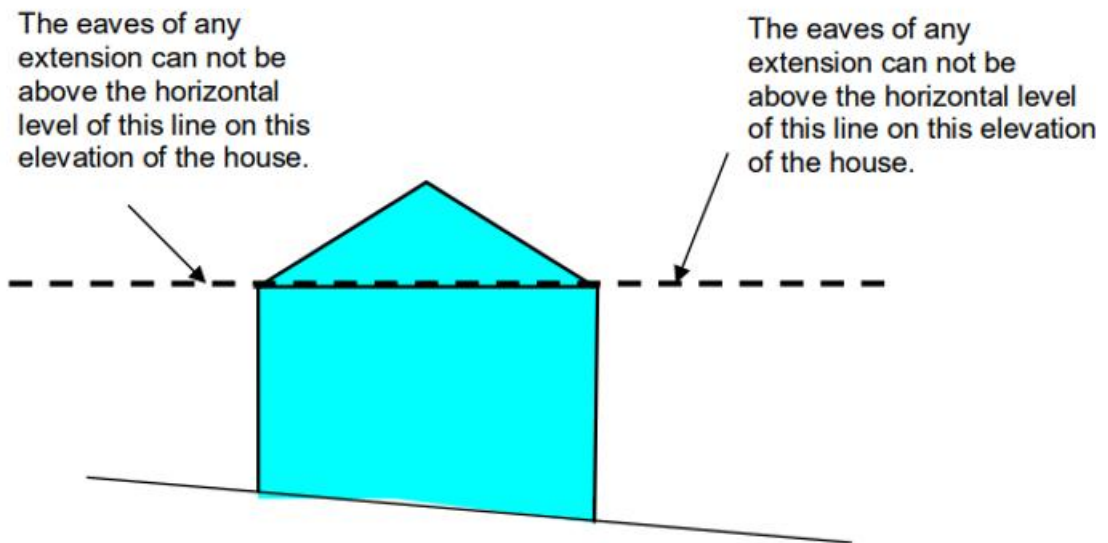
5 Outbuilding

Development Not Permitted

5.1 Paragraph E.1 sets out exceptions to when this Permitted Development right would not apply, which are as follows:

- 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 (change of use) – **This is not the case.**
- b) The total area of ground covered by buildings, 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) – **This is not the case.**
- 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 – **This is not the case.**
- d) The building would have more than a single storey – **This is not the case.**
- e) The height of the building, enclosure or container would exceed 4 metres in the case of a building with a dual-pitched roof, 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse, or 3 metres in any other case – **The outbuilding is within 2m of the boundary and therefore does not exceed 2.5m in height.**

The GPDO defines height as measured from 'ground level', but where ground level is not uniform, the 'ground level' is the highest part of the surface of the ground next to the building. This is clearly demonstrated in the illustrations in the GPDO and is highlighted below., although this directly relates to Class A.



The height of the building will not exceed 2.5 m above the highest adjacent ground level.

- f) The height of the eaves of the building would exceed 2.5 metres – **This will not be the case.**
- g) The building, enclosure, pool or container would be situated within the curtilage of a listed building. **There is no listed building within the curtilage and therefore is not relevant**
- h) It would include the construction or provision of a verandah, balcony or raised platform – **This is not the case.**
- i) It relates to a dwelling or a microwave antenna – **This is not the case.**
- j) The capacity of the container would exceed 3,500 litres. – **This is not the case.**

5.2 Paragraph E.2 and E.3 relate to article 2(3) land only and are not relevant to this particular submission.

5.3 Paragraph E.4 states that Class E also relates to the keeping of poultry, bees, pet animals, birds or other livestock for the domestic needs or personal enjoyment of the occupants of the dwellinghouse, which is not relevant in this case.

- 5.4 The applicant has been mindful of relevant case-law in drawing up the proposals, namely, *Emin v Secretary of State for the Environment and Mid Sussex District Council* [1989] JPL 909.
- 5.5 This case has established that in the consideration of the term “incidental to the enjoyment of the dwellinghouse”, there should be some connotation of reasonableness in the circumstances of each case; it should not be based solely on the unrestrained whim of a householder.
- 5.6 The test is whether “the nature of the activities carried out in the proposed building ensures they are incidental or conducive to the very condition of living in the dwellinghouse.” It goes on to say that “the physical sizes of buildings could be a relevant consideration in that they might represent some indicia as to the nature and scale of the activities.” “When a matter is looked at as a whole, size might be an important consideration but not in itself conclusive.” It was held that “incidental connoted an element of subordination in land use terms in relation to the enjoyment of the dwellinghouse.”
- 5.7 The proposed outbuilding would be used for purposes incidental to the enjoyment of the dwellinghouse. The existence of another outbuilding within the curtilage does not alter the lawful status of the proposal, as there is no limitation within Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 on the number of incidental outbuildings that may be erected, provided each structure independently satisfies the relevant criteria.
- 5.8 The key test is whether the proposed use is incidental to the enjoyment of the dwellinghouse, rather than whether similar activities could theoretically take place elsewhere within the curtilage. The existing outbuilding is used as a gym, which is a distinct and established ancillary use. The proposed outbuilding would accommodate separate incidental activities and would not function as a primary living space, sleeping accommodation, or a self-contained unit
- 5.9 The proposed outbuilding would remain functionally subordinate to the main dwellinghouse and would be used in a manner that is clearly secondary and ancillary to residential occupation.
- 5.10 The use of the proposed outbuilding by family members, including the Applicant's parents, would remain incidental to the enjoyment of the dwellinghouse and would not amount to a material change of use.

- 5.11 Accordingly, the proposed outbuilding satisfies the legal tests set out under Class E of the GPDO and constitutes permitted development. The presence of an existing outbuilding does not preclude the lawful erection of an additional incidental structure where the use remains ancillary to the dwellinghouse.

6 Conclusions

- 6.1 It is considered that the proposed outbuilding accords with Class E of the GPDO and the relevant criteria. It is therefore respectfully requested that the application be granted and the certificate issued.