

# Delegated Report

## *Lawful Development Certificate (Proposed)*

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| <b>Application no:</b> | 20221124                                                                                                                                                                                                                           |
| <b>Location</b>        | 2 High View Higham Rochester Kent                                                                                                                                                                                                  |
| <b>Proposal:</b>       | Application for a Lawful Development Certificate in respect of the proposed alterations from a hip to gable roof to form a loft conversion with a dormer extension in the rear roof slope and roof lights in the front roof slope. |
| <b>Applicant:</b>      | Ms Hayley Turner                                                                                                                                                                                                                   |
| <b>Site Visit</b>      | Desktop Assessment                                                                                                                                                                                                                 |

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### Plans & Documents

Application Form;  
 Drawing No. 01 – Floor Plans – Existing with OS Plan;  
 Drawing No. 02 – Elevations - Existing  
 Drawing No. 03 – Floor plan (Loft) – Proposed;  
 Drawing No. 04 – Elevations and Floor plans – Proposed;  
 Drawing No. 05 – Supplementary Information - Construction Notes; and  
 Drawing No. 06 – Block Plans – Existing and Proposed.

### Property Type

2 High View is a semi-detached bungalow.

### Policies & Representations

Not applicable, this is an application for a lawful development certificate under Section 192 of the Town & Country Planning Act 1990 (as amended). Therefore, the representations received for this application are not relevant.

### Material Consideration

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

### Relevant Planning History

| Reference | Description                                                                                                                                | Decision  | Decision Date |
|-----------|--------------------------------------------------------------------------------------------------------------------------------------------|-----------|---------------|
| 20200069  | Proposed side and rear extensions, conversion of loft and remodelling of front porch (existing garage and rear extension to be demolished) | Permitted | 16.03.2020    |

|          |                                                                                                                                                                                                                                                                                                        |           |            |
|----------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|------------|
| 20191042 | Application for a Lawful Development Certificate in respect of the proposed enlargement of the existing roof structure over the side extension and construction of a dormer extension in the existing and proposed rear roof slope, providing increased floor space for the proposed attic conversion. | Refused   | 27.11.2019 |
| 20180124 | Application for a Lawful Development Certificate in respect of the proposed enlargement of the existing roof structure over the side extension and construction of a dormer extension in the existing and proposed rear roof slope, providing increased floor space for the proposed attic conversion. | Granted   | 19.04.2018 |
| 20171257 | Application for a non-material amendment to planning permission reference no. 20160676 to allow an enlargement of the rear dormer extension and alter the roof from hipped to gable end.                                                                                                               | Refused   | 08.12.2017 |
| 20160676 | Erection of single storey side and rear extensions incorporating a dormer extension in the rear roof slope with conversion of the roof space into habitable rooms.                                                                                                                                     | Permitted | 13.12.2016 |

**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**

**Please Note** The following assessment under Class A is in relation to the proposed fenestration changes and new roof tiles only and as such, any irrelevant criteria shall be marked N/A.

| 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/A |
| (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/A |
| (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/A |
| (e) | the enlarged part of the dwellinghouse would extend beyond a wall which –                                                                                                                                                                                               |     |

|      |                                                                                                                                                                                                                                                                                                                                                                                                                                                          |     |
|------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
|      | <ul style="list-style-type: none"> <li>(i) forms the principal elevation of the original dwellinghouse; or</li> <li>(ii) fronts a highway and forms a side elevation of the original dwellinghouse</li> </ul>                                                                                                                                                                                                                                            | N/A |
| (f)  | <p>subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and -</p> <ul style="list-style-type: none"> <li>(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</li> <li>(ii) exceed 4 metres in height</li> </ul>                                                                   | N/A |
| (g)  | <p>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 -</p> <ul style="list-style-type: none"> <li>(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</li> <li>(ii) exceed 4 metres in height;</li> </ul> | N/A |
| (h)  | <p>the enlarged part of the dwellinghouse would have more than a single storey and –</p> <ul style="list-style-type: none"> <li>(i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or</li> <li>(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;</li> </ul>                                                          | N/A |
| (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                                                                                                                                                                                                                                                            | N/A |
| (j)  | <p>the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would –</p> <ul style="list-style-type: none"> <li>(i) exceed 4 metres in height,</li> <li>(ii) have more than a single storey, or</li> <li>(iii) have a width greater than half the width of the original dwelling; or</li> </ul>                                                                                      | N/A |
| (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/A |
| (k)  | <p>it would consist of or include –</p> <ul style="list-style-type: none"> <li>(i) the construction or provision of a verandah, balcony or raised platform,</li> <li>(ii) the installation, alteration or replacement of a microwave antenna,</li> <li>(iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or</li> <li>(iv) an alteration to any part of the roof of the dwellinghouse</li> </ul>                | N/A |
| (l)  | the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses)                                                                                                                                                                                                                                                                                                                                                           | N   |

| <b>A.2</b> | <b>In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if –</b>                                                                                                                                                                                                        | <b>Y/N</b>                                                 |
|------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------|
| (a)        | it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;                                                                                                                                       | N/A                                                        |
| (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                                                        |
| <b>A.3</b> | <b>Development is permitted by Class A subject to the following conditions –</b>                                                                                                                                                                                                                                | <b>Y/N</b>                                                 |
| (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<br>Plans show windows and roof tiles will match existing |
| (b)        | any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be –<br><br>(i) obscure-glazed, and<br>(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 | N/A                                                        |
| (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.                    | N/A                                                        |

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

| <b>B.1</b> | <b>Development is not permitted by Class B if –</b>                                                                                                                                               | <b>Y/N</b> |
|------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
| (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 –<br><br>(i) 40 cubic metres in the case of a terrace house, or<br><br>(ii) 50 cubic metres in any other case;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | N/A<br><br>N<br>34.01m <sup>3</sup>         |
| (e)        | It would consist of or include –<br><br>the construction or provision of a verandah, balcony or raised platform or<br><br>the installation, alteration or replacement of a chimney, flue or soil and vent pipe; or                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | N/A                                         |
| (f)        | The dwellinghouse is on article 2 (3) land                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | N                                           |
| <b>B.2</b> | <b>Development is permitted by Class B subject to the following conditions –</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <b>Y/N</b>                                  |
| (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                                           |
| (b)        | The enlargement must be constructed so that –<br>(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<br><br>(aa) the eaves of the original roof are maintained or reinstated; and<br><br>(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<br><br>(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<br><br>Y<br>0.71m<br><br>N<br>It does not |
| (c)        | Any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse must be –<br><br>(i) obscure-glazed, and<br>(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                                         |

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

|            |                                                                                                                                                                                             |            |
|------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
| <b>C.1</b> | <b>Development is not permitted by Class C if -</b>                                                                                                                                         | <b>Y/N</b> |
| (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<br>0.05m |

|            |                                                                                                                                                                                                                                                                                                                                                         |            |
|------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
| (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 –<br><br>(i) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or<br>(ii) the installation, alteration or replacement of solar photovoltaics or solar thermal equipment.                                                                                                             | N<br><br>N |
| <b>C.2</b> | 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-<br><br>(a) obscure-glazed; and<br>(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        |

### Conclusion

The proposed development complies with Schedule 2, Part 1, Classes A, B and C 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

|                      |                               |                     |                                                                                      |
|----------------------|-------------------------------|---------------------|--------------------------------------------------------------------------------------|
| <b>Case Officer:</b> | Mrs Lucy Hankin               | <b>Team Leader:</b> | Richard Hart                                                                         |
| <b>Signed:</b>       | L Hankin                      | <b>Signed:</b>      |  |
| <b>Dated:</b>        | 5 <sup>th</sup> December 2022 | <b>Dated:</b>       | 5 <sup>th</sup> December 2022                                                        |