

# Delegated Report

## *Lawful Development Certificate (Proposed)*

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|------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Application no:</b> | 20221189                                                                                                                                                    |
| <b>Location</b>        | 23 Vicarage Lane Gravesend Kent DA12 4TF                                                                                                                    |
| <b>Proposal:</b>       | Application for a Lawful Development Certificate in respect of the proposed erection of a single storey rear extension incorporating a log burner and flue. |
| <b>Applicant:</b>      | Mr Alan Ring                                                                                                                                                |
| <b>Site Visit</b>      | N/A Desktop Assessment                                                                                                                                      |

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### Preliminary Matters

The agent was contacted on 05.12.22 to confirm if the proposed external materials would be similar to the existing as per the requirement of A.3(a) of the Town and Country Planning (General Permitted Development) Order 2015 (as amended.) On 05.12.22 the agent confirmed the external materials would match the existing.

### Plans & Documents

Application Form;  
 Supplementary Information – Email from agent confirming A.3(a) compliance (received on 05.12.22);  
 Drawing No. 22 – 0975 – 01 – Location Plan;  
 Drawing No. 22 – 0975 – 02 – Block Plan – Existing and Proposed;  
 Drawing No. 22 – 0975 – 03 – Ground Floor Plan – Existing;  
 Drawing No. 22 – 0975 – 04 – Ground Floor Plan – Proposed;  
 Drawing No. 22 – 0975 – 05 – First Floor Plan – Existing;  
 Drawing No. 22 – 0975 – 06 – First Floor Plan – Proposed;  
 Drawing No. 22 – 0975 – 07 – Loft Plan – Existing;  
 Drawing No. 22 – 0975 – 08 – Loft Plan – Proposed;  
 Drawing No. 22 – 0975 – 09 – Roof Plan – Existing;  
 Drawing No. 22 – 0975 – 10 – Roof Plan – Proposed;  
 Drawing No. 22 – 0975 – 11 – Front and Right Side Elevation – Existing;  
 Drawing No. 22 – 0975 – 12 – Front and Right Side Elevation – Proposed;  
 Drawing No. 22 – 0975 – 13 – Rear and Left Elevations – Existing;  
 Drawing No. 22 – 0975 – 14 – Rear and Left Elevations – Proposed;  
 Drawing No. 22 – 0975 – 15 – Section AA – Existing; and  
 Drawing No. 22 – 0975 – 16 – Section AA – Proposed.

### Plan note

The plans measure electronically at A2 size and the application will be assessed as such.

### Property Type

23 Vicarage Lane is a two storey semi-detached property.

### Material Consideration

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

**Relevant Planning History** (All recent planning applications have been included in the table)

| Reference | Description                                                                                                              | Decision                       | Decision Date |
|-----------|--------------------------------------------------------------------------------------------------------------------------|--------------------------------|---------------|
| 20220684  | Single storey rear extension with a depth of 3.94 metres, maximum height of 3.37 metres and eaves height of 3.00 metres. | Prior Approval is not required | 18.07.22      |

### Officer Assessment

#### Procedural Matters

Under Prior Approval Larger Homes application 20220684 it was determined that *Prior Approval is not required* for the erection of a *single storey rear extension with a depth of 3.94 metres, maximum height of 3.37 metres and eaves height of 3.00 metres*. As such, this allows this Proposed Lawful Development Application to be assessed under Class A.1 (g).

#### *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**

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

|      |                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                            |
|------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|
|      | <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>                                                                                                                                                                                                                                            |                                                                            |
| (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 see below                                                              |
| (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> | <p>N<br/>4.04m*</p> <p>N<br/>3.37m<br/>(inclusive of<br/>roof lantern)</p> |
| (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<br>Eaves are<br>3.00m                                                    |
| (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<br>Conservatory<br>to be<br>demolished                                   |
| (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> </ul>                                                                                                                                                                                                 | <p>N</p> <p>N</p> <p>Y<br/>See Class G</p>                                 |

|            |                                                                                                                                                                                                                                                                                                                 |                            |
|------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|
|            | (iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or<br><br>(iv) an alteration to any part of the roof of the dwellinghouse                                                                                                                                           | N                          |
| (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>as per agent<br>email |
| (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 G – chimneys, flues etc on a dwellinghouse

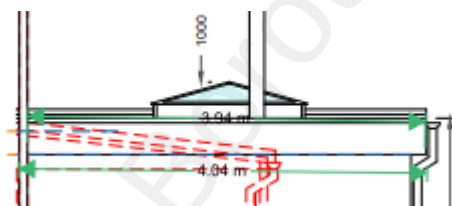
The installation, alteration or replacement of a chimney, flue or soil and vent pipe on a dwellinghouse.

|            |                                                                                                                                                              |            |
|------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
| <b>G.1</b> | <b>Development is not permitted by Class G if –</b>                                                                                                          | <b>G.1</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) | 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<br>1.00m<br>above<br>roof<br>lantern of<br>proposed<br>extension |
| (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<br><br>(i) fronts a highway, and<br>(ii) forms either the principal elevation or a side elevation of the dwellinghouse. | N/A                                                                |
| (d) | the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses)                                                                                                                                                                        | N                                                                  |

**\*Assessment Note**

When taking the depth measurement of the proposed extension, it is noted that the depth (including roof overhang) is in fact 4.04m when measured from the rear wall, not 3.94m when measured from the rainwater goods:



However, this 0.10m difference in depth would not have affected the outcome of Prior Approval Application 20220684, the 4.04m depth extension complies with A.1(g)(i) and as such accords with the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

**Conclusion**

The proposed development complies with Schedule 2, Part 1, Classes A and G 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> | <b>Richard Hart</b>                 |
| <b>Signed:</b>       | L Hankin                      | <b>Signed:</b>      | <i>R Hart</i>                       |
| <b>Dated:</b>        | 5 <sup>th</sup> December 2022 | <b>Dated:</b>       | <b>6<sup>th</sup> December 2022</b> |