

Delegated Report

Lawful Development Certificate (Proposed)

Application no:	20260471
Location	Gwendon Pear Tree Lane Shorne Gravesend
Proposal:	Application for a Proposed Lawful Development Certificate; Demolition of existing garage, erection of single storey extensions to both sides of existing dwelling. Hip to gable roof extension and dormer extensions in the east and west elevations.
Applicant:	Mr & Mrs Hart
Site Visit	N/A Desktop Assessment

Preliminary Matters

During the course of the application the proposal was found to fall foul with permitted development rights. Class B.2 (c) (i) and (ii) requires windows inserted on a wall or roof slope forming a side elevation of the dwellinghouse to be obscure glazed and 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. In addition, an extension extending beyond the rear wall of the original dwellinghouse is limited to 4.00m for a detached dwelling under Class A.1 (f) (i). As the original dwelling has an existing side 'stepped' appearance, the walls of these projections opposite the principal elevations are considered to be rear walls of the dwellinghouse. As such any extension extending beyond this rear wall is limited to 4.00m unless the Prior Approval mechanism has been put in place (which it had not for this particular part of the dwelling). As such, the agent was contacted in order to give the opportunity to amend the plans to address the above issues. Amended plans were received and accepted by the Local Planning Authority with an extension of time agreed.

The site lies adjacent to land under the Court Wood Article 4 Direction, reference number 97/5. It should be noted that the article 4 direction is not relevant to this application.

Plans & Documents

Application Form;
Supplementary Information – Drawing Schedule;
Supplementary Information – Historic Photos;
Site Location Plan;
Drawing No. 26-032-DW-002 Rev. C – REVISED Block Plan- Proposed;
Drawing No. 26-032-DW-004 Rev. C – REVISED Permitted Development Zones;
Drawing No. 26-032-DW-006 Rev. A – Block Plan – Existing;
Drawing No. 26-032-DW-007 Rev. A – Areas
Drawing No. 26-032-DW-100 Rev. A – Ground Floor Plan – Existing;
Drawing No. 26-032-DW-101 Rev. A – First Floor Plan – Existing;
Drawing No. 26-032-DW-110 Rev. B – REVISED Ground Floor Plan – Proposed;

Drawing No. 26-032-DW-112 Rev. C – REVISED First Floor Plan – Proposed;
Drawing No. 26-032-DW-200 Rev. A – Elevations – Existing;
Drawing No. 26-032-DW-210 Rev. B – REVISED Front and Rear Elevations – Proposed; and
Drawing No. 26-032-DW-211 Rev. C – REVISED Side Elevations – Proposed.

Superseded Plans and Documents

~~Drawing No. 26-032-DW-002 Rev. B – Block Plan – Proposed;~~
~~Drawing No. 26-032-DW-004 Rev. A – Permitted Development Zones;~~
~~Drawing No. 26-032-DW-110 Rev. A – Ground Floor Plan – Proposed;~~
~~Drawing No. 26-032-DW-112 Rev. B – First Floor Plan – Proposed;~~
~~Drawing No. 26-032-DW-210 Rev. A – Front and Rear Elevations – Proposed;~~
~~Drawing No. 26-032-DW-211 – Side Elevations – Proposed; and~~

Plan Note

The existing front dormer is missing from the existing side elevations, but shown on the proposed. As this is existing, this discrepancy causes no concerns and revised existing elevations showing the front dormer were not requested.

Property Type

Gwendon, Pear Tree Lane is a detached chalet bungalow style property.

Material Consideration

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

Relevant Planning History

Reference	Description	Decision	Decision Date
20260470	Prior approval application for a single storey rear extension with a depth of 8.00 metres, maximum height of 4.00 metres and eaves height of 3.70 metres.	Prior Approval Not Required	18.06.2026
20240268	Prior Approval application for a single storey rear extension with a depth of 8 metres, maximum height of 2.89 metres and eaves height of 2.89 metres.	Prior Approval Not Required	29.04.2024
20230985	Prior Approval application for a single storey rear extension with a depth of 8 metres, maximum height of 2.89 metres and eaves height of 2.89 metres.	Refused	02.11.2023
20160470	Single storey rear extension with a depth of 8 metres, maximum height of 3.89 metres and eave height of 2.6 metres (west) and 2.9 metres (east).	Prior Approval Not Required	09.06.2016
20140222	Application for a Lawful Development Certificate for the proposed erection of single storey extensions on both sides, hip to gable extension, dormer extensions in east and west elevations and four detached outbuildings	Certificate Granted	12.05.2014

	(buildings A, B and C and workshop).		
20131134	Single storey rear extension with a depth of 8 metres, maximum height of 3.89 metres and eave height of 2.6 metres (west) and 2.9 metres (east)	Prior Approval Not Required	09.01.2014

Consultations, Publicity and Representations

This is an application for a Lawful Development Certificate that is considered on its facts and relevant planning law. As confirmed in national planning guidance, views expressed by third parties on the planning merits of such cases are irrelevant. Accordingly, unlike planning applications, there is no statutory requirement to undertake publicity or consultation. Comments have been received from Shorne Parish Council and the Dickens Country Protection Society, however as aforementioned above these comments are irrelevant to the assessment of this application and have not been taken into account.

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

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 G, M, MA, 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 – (i) forms the principal elevation of the original dwellinghouse; or (ii) fronts a highway and forms a side elevation of the original dwellinghouse	N N
(f)	subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and - (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 (ii) exceed 4 metres in height	N 4.00m max N

(g)	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 - (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 (ii) exceed 4 metres in height;	N/A
(h)	the enlarged part of the dwellinghouse would have more than a single storey and – (i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or (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;	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
(j)	the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would – (i) exceed 4 metres in height, (ii) have more than a single storey, or (iii) have a width greater than half the width of the original dwelling; or	N (according to government definition of height) N N
(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
(k)	it would consist of or include – (i) the construction or provision of a verandah, balcony or raised platform, (ii) the installation, alteration or replacement of a microwave antenna, (iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or (iv) an alteration to any part of the roof of the dwellinghouse	N Juliet Balcony N N N (see other Classes)
(l)	the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses)	N

A.2	In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if –	Y/N
(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
A.3	Development is permitted by Class A subject to the following conditions –	Y/N
(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
(b)	any upper-floor window located in 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; and	N/A (see other Classes)
(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.

1. Original Roof Volume (m ³)	N/A see below
2. Existing Roof Extensions (m ³)	N/A see below
Remaining Roof Volume (m ³)	The existing dormer extension is being replaced with a new dormer, as such 50m ³ allowance remains.

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 G, M, MA, 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

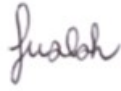
(c)	Any part of the dwellinghouse would, as a result of the works, extend, beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway;	N
(d)	The cubic content of the resulting roof space would exceed the cubic content of the original roof 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/A N 35.40m3
(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 N
(f)	The dwellinghouse is on article 2 (3) land	N
(g)	The dwellinghouse is built under part 20 of this Schedule (construction of new dwellinghouses); or	N
(h)	The existing dwellinghouse has been enlarged in reliance on the permission granted by Class AA (enlargement of a dwellinghouse by construction of additional storeys).	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
(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 (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	(Y) Y >0.20m N It does not
(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 N

Conclusion

The proposal complies with the requirements of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

The proposed development complies with **Schedule 2, Part 1, Classes A and B of THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015, AS AMENDED** and the **LAWFUL DEVELOPMENT CERTIFICATE** is **GRANTED**

Recommendation: <u>Grant</u> Lawful Development Certificate
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Case Officer:	Mrs Lucy Hankin	Team Leader:	Mrs Faye Walsh
Signed:	L Hankin	Signed:	
Dated:	6 th August 2026	Dated:	07 August 2026