

Delegated Report

Lawful Development Certificate (Proposed)

Application no:	20230659
Location	Ashlea Horns Oak Road Meopham Gravesend
Proposal:	Erection of a single storey rear extension.
Applicant:	Harleen Mattu
Site Visit	Desktop Assessment with reference to recent site photos (07.02.23)

Plans & Documents

Application form for a Lawful Development Certificate (LDC) for a Proposed Use or Development; and Drawing no. 3445 – 006 Existing and proposed layouts and elevations.

Property Type

The property comprises of a detached bungalow with dormer windows and accommodation at ground and first floor levels.

Material Consideration

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

Relevant Planning History

Reference	Description	Decision	Decision Date
20230365	Erection of part single storey and part two storey rear extension; erection of new pitched roof incorporating two gables in the rear roof slope and two dormers and a gable in the front roof slope; erection of single storey front extension; demolition of rear outbuilding and formation of two vehicle parking spaces in the front garden.	Refused	01.06.2023
19800181	Erection of single storey rear extension to form utility room and enlarged kitchen erection of front porch	Permitted	12.05.1980
19760385	Formation of bathroom and bedroom extension in existing roof space and erection of extension at first floor level to form two additional bedrooms	Permitted	13.08.1976
19550165	Erection of a detached bungalow (TH/6/55/143A)	Permitted	08.08.1956

19550164	Erection of a detached bungalow (TH/6/55/143A)	Permitted	24.08.1955
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Officer Assessment*Permitted Developments Rights Restrictions*

Article 2 (3) Land (AONB, Conservation Area)	Y
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 ⁽¹⁾ 3 metres
(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 (for extent of original dwelling see image 1)
(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	Y (8 metres maximum – see image 2)
(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 ⁽²⁾
(h)	the enlarged part of the dwellinghouse would have more than a single storey and –	N/A

	(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;	
(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
(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);	Y ⁽³⁾
(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
(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
(b)	the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or	N
(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
(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).	Y ⁽⁴⁾
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;	Not specified ⁽⁵⁾
(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
(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

⁽¹⁾ The application property has varying eaves heights at the rear. According to government guidance (in Permitted Development Rights for Householders Technical Guidance, September 2019) 'where the existing house has eaves of different heights, then the restriction on the height of the eaves for the part of the house enlarged, improved or altered is measured against the highest level of eaves on the existing house.' The existing single storey rear bathroom projection has the highest eaves and has been used as the existing eaves height (3 metres).

Image 1: The extent of the original dwellinghouse

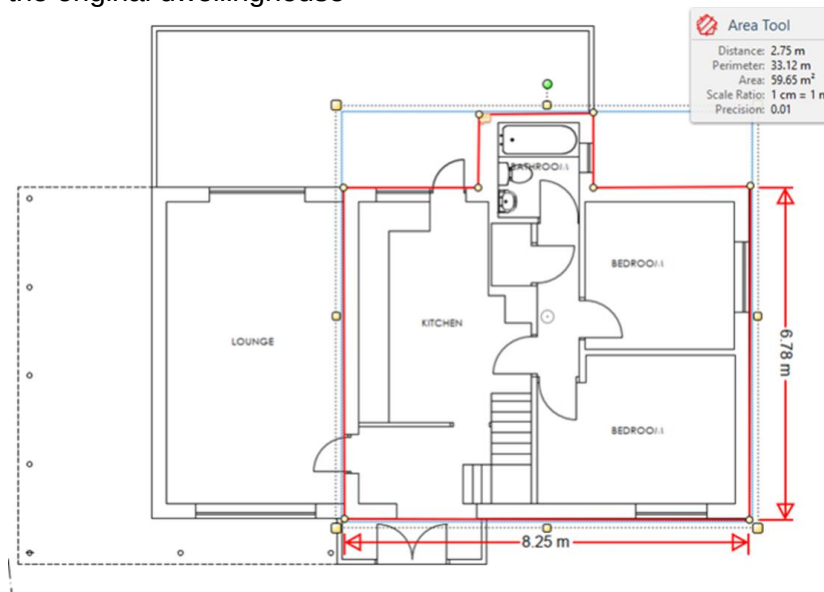
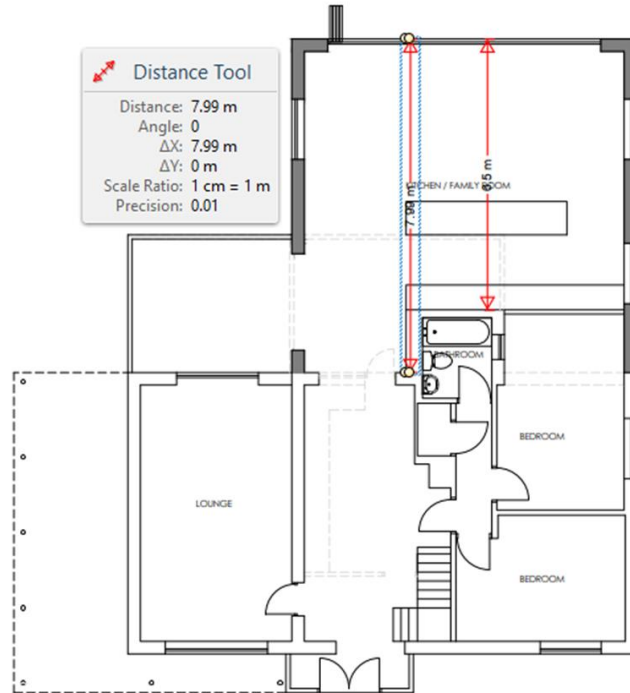
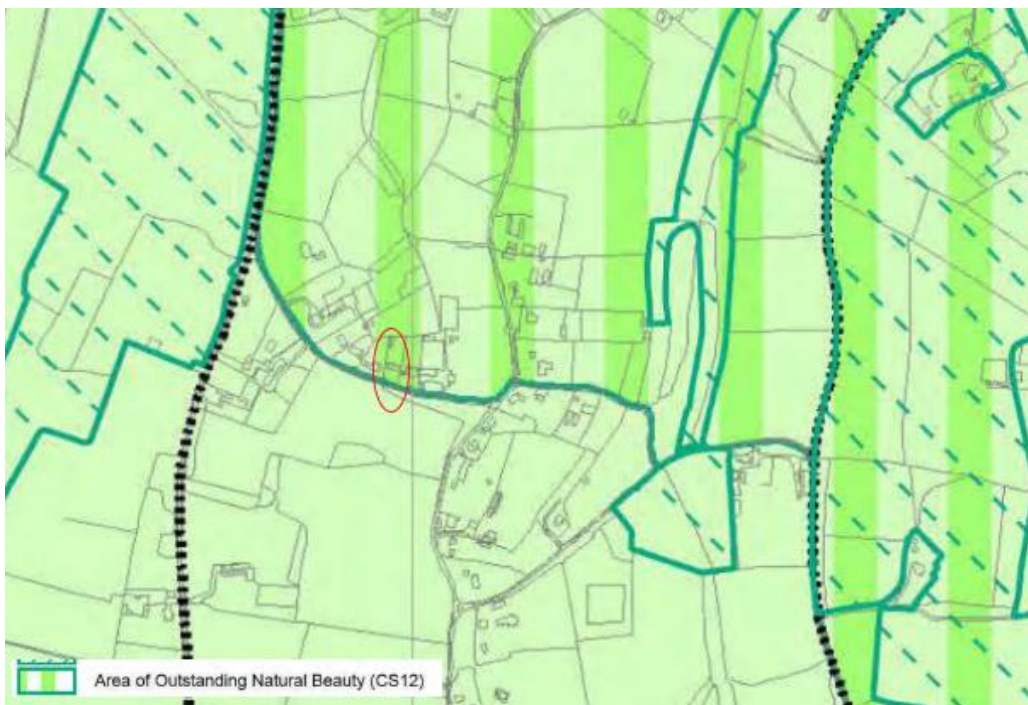


Image 2: Depths of the proposed extension from the original rear walls



⁽²⁾ The application site is located within the Kent Downs Area of Outstanding Natural Beauty (AONB), which is Article 2(3) land. Therefore, the maximum depth for a rear extension built under permitted development would be four metres i.e. the proposed development at 8 metres, would not be permitted development. It should be noted that if the property were to benefit from the larger homes extension dimensions, a prior approval application should have been submitted for the extension prior to the Lawful Development Certificate. However the outcome would not be any different, as due to the property falling within the Kent Downs AONB, it does not benefit from this entitlement, as outlined on the Local Plan Map extract below;



⁽³⁾ According to government guidance (in Permitted Development Rights for Householders Technical Guidance, September 2019) 'Where the proposed extension is to be joined to an existing extension to the original house, whether that was built following a planning application or under permitted development rights, the total enlargement (being the proposed extension together with the previous extension) must meet the limits set out in (e) to (j)'. In this instance, the proposed extension would adjoin the existing rear conservatory (which is also adjoined to a single storey side extension). Therefore, the total enlargement would extend beyond a wall forming a side elevation of the original dwellinghouse and would have a width greater than half the width of the original dwelling (proposal - 12 metres, half dwelling width - 4 metres), i.e. it would be contrary to paragraph A.1 (j) and would not be permitted development.

⁽⁴⁾ The total enlargement would extend beyond a wall forming a side elevation of the original dwellinghouse in an AONB i.e. it would be contrary to paragraph A.2 (b) and would not be permitted development.

⁽⁵⁾ The proposed external facing materials have not been specified. Any grant of this LDC application would include an informative informing the applicant of the requirements of paragraph A.3 (a).

Conclusion

The proposed development would not comply with the provisions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and as such, planning permission would be required.

Recommendation: <u>Refuse</u> Lawful Development Certificate

Case Officer:	Mrs Kelly Joyce	Team Leader:	Miss Faye Hobbs
Signed:		Signed:	
Dated:	2nd August 2023	Dated:	03 August 2023