

Delegated Report

Lawful Development Certificate (Proposed)

Application no:	20230313
Location	17 Lynton Road South Gravesend Kent DA11 7NF
Proposal:	Application for a Lawful Development Certificate for proposed change of use of a dwellinghouse (use class C3) to small HMO (use class C4) for up to 6 people
Applicant:	Mr A Curtis
Site Visit	N/A Desktop Assessment

Plans & Documents

Application Form Dated 29/03/2023; and
Drawing Number 2307_PL01 (OS Plan with Floor Plans – Existing and Proposed).

Property Type

17 Lynton Road South is a two storey mid-terraced property.

Material Consideration

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

Relevant Planning History

Reference	Description	Decision	Decision Date
20220671	Erection of single storey and first floor rear extensions; construction of dormer extension in rear roof slope; conversion of roof space into habitable rooms; and conversion of dwelling into 1 x 2 bed flat and 1 x studio flat	Refused	14.10.2022
20220203	Erection of single storey ground floor side and first floor rear extension.	Permitted	22.04.2022
20220209	Application for Lawful Development Certificate for proposed construction of a dormer extension in the rear roof slope and conversion of the roof space into habitable rooms.	Certificate Granted	14.04.2022

Procedural Note

This application proposes the conversion of a five-bedroom dwellinghouse to a six bedroom HMO.

Permitted Development Rights for HMOs

The proposed floor plans show 6 separate bedrooms, 5 with en-suites, with the kitchen, dining room, TV room and shower room as shared facilities. Therefore, 17 Lynton Road South would still function as a private domestic dwellinghouse, and not as separate self-contained units. As such, the property would benefit from permitted development rights.

Officer Assessment

Permitted Developments Rights Restrictions

Article 2 (3) Land (AONB, Conservation Area)	N
Article 4 Direction	N
Permitted Development Rights Removed/Restricted	N

Assessment under Class L Schedule 2 Part 3 of the General Permitted Development (England) Order 2015 (as amended)

Class L – Small HMOs to Dwellinghouse and vice versa

L.	Development consisting of a change of use of a building -	Y/N
(a)	from a use falling within Class C4 (house of multiple occupation) of the Schedule to the Use Classes Order, to a use falling within Class C3 (dwellinghouses) of that Schedule;	N/A
(b)	from a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order, to a use falling within Class C4 (houses in multiple occupation) of that Schedule	Y
L.1	Development is not permitted by Class L if it would result in the use -	
(a)	as two or more separate dwellinghouses falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order of any building previously used as a single dwellinghouse falling within Class C4 (houses in multiple occupation) of that Schedule; or	N
(b)	as two or more separate dwellinghouses falling within Class C4 (houses in multiple occupation) of that Schedule of any building previously used as a single dwellinghouse falling within Class C3 (dwellinghouses) of that Schedule.	N

C3 Dwellinghouses can be converted to a C4 House of Multiple Occupation (HMO) for no more than six (unrelated) people who share amenities, provided it meets the criteria set out in Class L above.

17 Lynton Road South is in use as a single dwellinghouse and is proposed to be converted to one HMO and therefore complies with Class L.

Conclusion

The proposed development complies with Schedule 2, Part 3, Class L 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

Case Officer:	Mrs Nina Goodbody	Team Leader:	Miss Faye Hobbs
Signed:	<i>N Goodbody</i>	Signed:	
Dated:	31 st May 2023	Dated:	31 May 2023