

Delegated Report

Lawful Development Certificate (Proposed)

Application no:	20230960
Location	27 Salcote Road Gravesend Kent DA12 4RB
Proposal:	Application for a Lawful Development Certificate in respect of the proposed conversion of loft space into habitable rooms with rear dormer and installation of roof lights in the front elevation.
Applicant:	Mr & Mrs Kaur
Site Visit	N/A Desktop Assessment

Plans & Documents

Application Form;
Drawing No. 101 – Floor Plans Roof Plan and Elevations – Existing;
Drawing No. 102 – Floor Plans Roof Plan and Elevations – Proposed;
Drawing No. 103 – Site Location Plan; and
Drawing No. 104 – Block Plans – Existing and Proposed.

Property Type

27 Salcote Road is a two storey semi-detached property located on the corner of Salcote Road and Cirrus Crescent.

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
20171349	Erection of part two and part single storey rear extension to form enlarged kitchen and breakfast room at ground floor level and enlarged prayer room at first floor level.	Permitted	19.06.2018
20040519	Erection of two storey side and single storey front extension to form lounge and enlarged kitchen/dining	Permitted	26.07.2004

	room with a bedroom at first floor level.		
19870249	Erection of two storey side extension to form dining room and enlarged kitchen with two bedrooms over	Permitted	10.06.1987

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

1, Original Roof Volume (m ³)	See Below
2. Existing Roof Extensions (m ³)	The existing roof extensions carried out under the above applications (19870249, 20040519 and 20171349) need to be considered. Calculations indicate that the 19870249 permission provided an additional 33.73m ³ roof volume, and the 20040519 permission provided an additional 27.32m ³ . At 61.05m ³ , this already exceeds the 50m ³ allowance. As such, the additional roof area created by 20171349 has not been calculated as it is not deemed necessary.
Remaining Roof Volume (m ³)	NIL (previous development already exceeds the allowance)

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 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 – (i) 40 cubic metres in the case of a terrace house, or (ii) 50 cubic metres in any other case;	N/A Y previous extensions

		carried out are already in excess of 61.05m ³ . As such the dormer calculation has not been carried out.
(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 (Juliet balcony) Y alteration of SVP – see Class G below
(f)	The dwellinghouse is on article 2 (3) land	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 0.49m from the eaves 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/A

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

C.1	Development is not permitted by Class C if -	Y/N
(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 as per annotation on the plan, 0.15 maximum protrusion
(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 – (i) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or (ii) the installation, alteration or replacement of solar photovoltaics or solar thermal equipment.	N N
C.2	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- (a) obscure-glazed; and (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

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.

G.1	Development is not permitted by Class G if –	G.1
(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 0.26m
(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 (i) fronts a highway, and (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

Conclusion

The proposed development fails to comply with Schedule 2, Part 1, Class B of **THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015, AS AMENDED**. The proposal fails to comply with B.1(d)(ii) of the order as works previously permitted, and carried out, already exceed the 50m³ allowance. Therefore, the **LAWFUL DEVELOPMENT CERTIFICATE is REFUSED**.

For the avoidance of doubt, the relevant extract from the Permitted Development Rights for Householders Technical Guidance has been included, explaining that existing roof extensions need to be included in the volume calculation;

(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

For the purposes of Class B “resulting roof space” means the roof space as enlarged, taking into account any enlargement to the original roof space, whether permitted by this Class or not.

To be permitted development any additional roof space created must not increase the volume of the original roof space of the house by more than 40 cubic metres for terraced houses and 50 cubic metres for semi-detached and detached houses. Any previous enlargement to the original roof space in any part of the house must be included in this volume allowance. ‘Terrace house’ has the meaning set out in the ‘General Issues’ section of this document (see page 6).

‘Original roof space’ will be that roof space in the ‘original building’ (see ‘General Issues’ on page 6 for the definition of this).

Recommendation: Refuse Lawful Development Certificate

Case Officer:	Mrs Lucy Hankin	Team Leader:	Miss Faye Hobbs
Signed:	L Hankin	Signed:	
Dated:	8 th November 2023	Dated:	08 November 2023