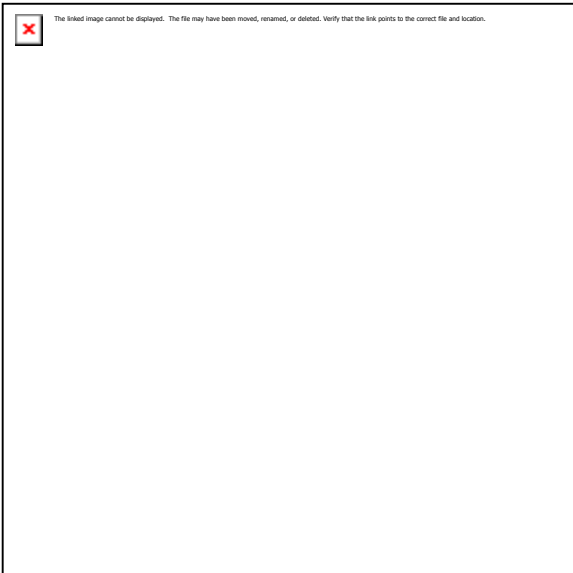




Delegated Report

Lawful Development Certificate (Proposed)

Planning Application No: 20220868

Location: Tanners Grange Tanyard Hill Shorne Gravesend

Description: Application for a Lawful Development Certificate in respect of the proposed erection of a two storey rear extension.

Applicant: Mr Stuart Grist

Plans & Documents

- Planning Application Form;
- Planning Statement – Evidence;
- Drawing No. SG/21 – Proposed Ground Floor Plan and Side West Elevation;
- Drawing No. SG/22 – Proposed First Floor Plan Rear South and Side East Elevations;
- Drawing No. SG/23 – Part Proposed Ground Floor Plan;
- Drawing No. SG/24 – Part Proposed First Floor Plan;
- Drawing No. SG/25 – Part Rear South Elevation;
- Drawing No. SG/26 – Side East Elevation;
- Drawing No. SG/27 – Side West Elevation;
- Drawing No. SG/28 – Existing Ground Floor Plan and Side West Elevation;
- Drawing No. SG/29 – Existing First Floor Plan Rear South and Side East Elevations;
- Drawing No. SG/37 – Existing Rear South and Side East Elevations;
- Drawing No. SG/38 – Site Location Plan;
- Drawing No. SG/39 – Existing Block Plan; and
- Drawing No. SG/40 – Proposed Block Plan.

Property Type

The property comprises a detached house.



Material Consideration

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

Relevant Planning History

Reference	Description	Outcome	Decision Date
20220869	Application for a Lawful Development Certificate in respect of the proposed erection of a single storey rear extension.	Pending Consideration	
20220551	Application for a Lawful Development Certificate in respect of the proposed erection of a two storey side extension.	Certificate Refused	26.07.2022
20220116	Erection of a double storey side extension creating sitting room, study, lobby and utility room on ground floor and one extended bedroom, ensuite and dressing room on the first floor	Refused	01.04.2022
20210451	Retention of barn	Permission	04.06.2021

20201328	Application for a Lawful Development Certificate in respect of the continued use of a portion of adjacent land to Tanners Grange as residential curtilage.	Certificate Granted	31.03.2021
20201289	Retention of barn outbuilding	Withdrawn	14.12.2020
19980303	Application for a Lawful Development Certificate in respect of the proposed construction of a swimming pool and enclosure	Certificate Granted	15.06.1998
19970429	Application for the approval of the hanging tile to be used, Eternit Clay Heather sandfaced, as required by condition (ii) of planning permission ref. no. GR/96/473.	Approval of Details	12.09.1997
19970171	Construction of a bay window on ground floor west elevation, in substitution of that approved under planning permission reference number GR/96/473	Permission	01.05.1997
19960473	**AMENDED APPLICATION/REVISED DESCRIPTION** Erection of first floor extension on the west side elevation to form two bedrooms, bathroom and an ensuite bathroom; erection of a porch and covered way at the rear with balcony over; conversion of existing integral garage into a kitchen involving demolition of the front part of the garage and erection of a bay window; and erection of a two storey front extension to form enlarged entrance hall and covered entrance porch with bay window at first floor level.	Permission	20.12.1996
19840748	Erection of stable block with ancillary tack room and bay store	Permission	12.11.1984
19800849	Demolition of existing stables on the west side of the building and the erection of a single storey extension to provide lounge bedroom and bathroom erection of an extension at the rear of the existing garage on the east side of the building to form a kit	Permission	23.12.1980

Consultation

No formal consultation was undertaken as there is no statutory requirement to consult third parties including parish councils or neighbours for lawful development certificate applications. However representations have been received from Shorne Parish Council and Dickens' Country Protection Society making the following comments;

Shorne Parish Council

The Parish Council notes that the applicant has submitted two applications simultaneously (see also 20220869), which together would result in a full-width rear extension.

This proposal 20220868 will increase the bulk and mass of the property, increasing the floor area by a further approximately 35sqm and extending 3/5 the width of the house as existing.

The house has already been extended considerably plus other built forms have been constructed on the property (pool house, stables, residential accommodation over garage without planning permission, barn/office building), the area of which should all also be taken into account.

The roof of the proposed extension does not show subsidiarity to that of the existing house.

We note that Bedroom 2 will not have open access to a bathroom, a proposal which has led to refusal of other applications in the area.

A Juliet balcony is proposed for Bedroom 1, this will not cause any increase in overlooking.

Dickens' Country Protection Society

The Society notes that the property has already been the subject of extensions, and there is concern over increasing the size of the property further in the Green Belt.

Local and National policy does not apply in lawful applications and therefore not relevant. The application will be assessed against the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) to ascertain if the proposal falls within lawful use.

Officer Assessment

Permitted Developments Rights Restrictions

Article 2 (3) Land (AONB, Conservation Area)	No
Article 4 Direction	No
Permitted Development Rights Removed/Restricted	No

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 – 8.48m
(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 – 4.84m
(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/A N/A
(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 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 – 2.94m N
(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/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
(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 N N Y – Extension to existing roof
(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 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.	Y

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

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 – 8.48m
(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;	Y – hip to gable 26.16m ³ gable to gable 34.02m ³ Total: 60.18m ³
(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
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	Y Y

	(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	N
(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.	Y Y

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
(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 N/A

Conclusion

The proposal is contrary to Class A.1 (k) as it would consist of an alteration to a part of the roof of the dwellinghouse.

The proposal is contrary to Class B.1 (d) as the resulting roof space would exceed the cubic content of the original roof space by more than 50 cubic metres

The proposal fails to comply with the Town and County Planning (General Permitted Development) (England) Order 2015 (as amended) and therefore planning permission is required from the Local Planning Authority for the enlargement of this property.

Recommendation: Refuse Lawful Development Certificate

Case Officer:	Mrs Amanda Grout	Team Leader:	Miss Faye Hobbs
Signed:	<i>A Grout</i>	Signed:	
Dated:	28 th September 2022	Dated:	29 September 2022