

Delegated Report

Lawful Development Certificate (Proposed)

Application no:	20230925
Location	32 Cruden Road Gravesend Kent DA12 4HD
Proposal:	Application for a Lawful Development Certificate for the proposed erection of 2 detached garden buildings in rear garden to match existing.
Applicant:	Mr S McGrew
Site Visit	N/A Desktop Assessment

Preliminary Matters

The plans submitted with this proposed Lawful Development Certificate do not include the recent approval for a single storey rear extension (20230090) or the proposed lawful development certificate for an outbuilding (20230056), which was granted. It should therefore be noted that this application has been assessed in isolation to these previous approvals. It is apparent that application 20230056 and this current application cannot be constructed independently of one another.

Plans & Documents

Application Form;
Site Location Plan (received on 05.09.23); and
Floor Plan, Section, Elevations and Block Plans – Existing and Proposed (received on 11.09.23).

Property Type

32 Cruden Road is a two storey semi-detached property.

Material Consideration

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

Relevant Planning History

Reference	Description	Decision	Decision Date
20230090	Erection of a single storey rear extension.	Permitted	18.04.2023
20230056	Application for a Lawful Development Certificate in respect of the proposed erection of a outbuilding.	Certificate Granted	27.03.2023

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 E - The provision within the curtilage of the dwellinghouse of –

(a) any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure; or

(b) a container used for domestic heating purposes for the storage of oil or liquid petroleum gas.

E.1	Development is not permitted by Class E 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)	The total area of ground covered by building, enclosures and containers within the curtilage (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)	Any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse;	N
(d)	The building would have more than a single storey;	N
(e)	The height of the building, enclosure or container would exceed – (i) 4 metres in the case of a building with a dual-pitched roof, (ii) 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of dwellinghouse, or (iii) 3 metres in any other case;	N/A Y N
(f)	The height of the eaves of the building would exceed 2.5 metres;	Y
(g)	The building, enclosure, pool or container would be situated within the curtilage of a listed building;	N
(h)	It would include the construction or provision of a verandah, balcony or raised platform;	N
(i)	It relates to a dwelling or a microwave antenna; or	N
(j)	The capacity of the container would exceed 3,500 litres	N

(k)	the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses)	N
E.2	In the case of any land within the curtilage of a dwellinghouse which is within – (a) An area of outstanding natural beauty; Development is not permitted by Class E if the total area of ground covered by buildings, enclosures, pools and containers situated more than 20 metres from any wall of the dwellinghouse would exceed 10 square metres.	N/A
E.3	In the case of any land within the curtilage of the dwellinghouse which is article 2(3) land, development is not permitted by Class E if any part of the building, enclosure, pool or container would be situated on land between a wall forming a side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse.	N/A

Incidental to the main dwellinghouse

Class E provides permitted development rights within the curtilage of a house. Buildings under Class E should be built for purposes incidental to the enjoyment of the dwellinghouse.

Paragraph E.4 of Class E indicates that purposes incidental to the enjoyment of the house includes the keeping of poultry, bees, pet animals, birds or other livestock for the domestic needs or personal enjoyment of the occupants of the house.

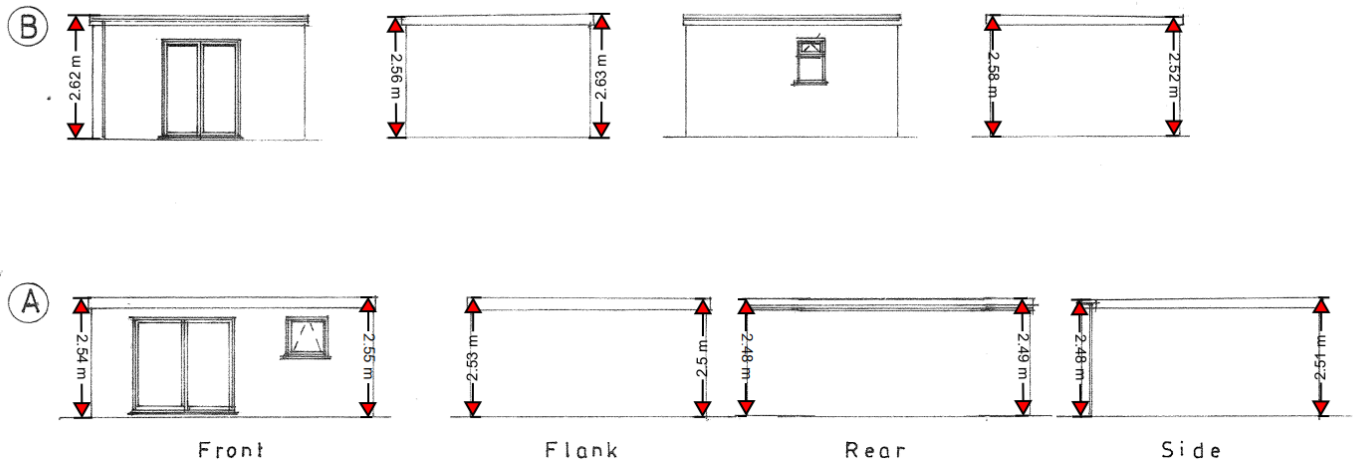
A purpose incidental to a house would not cover normal residential uses such as a kitchen, bedroom or bathroom and this would require planning permission. The proposed floor plan identifies a WC (shower room) within outbuilding A, along with a proposed gym. Outbuilding B is annotated as being an office.

Whilst the standard text included on the drawings makes reference to construction details, these have not formed part of the assessment. As such, with consideration to a degree of reasonableness, the outbuildings are considered incidental to the main dwellinghouse. Please note, should the outbuildings be used in a manner that is **not** incidental to the main dwellinghouse then this would not be lawful and **planning permission would be required**.

Assessment Note

As evidenced by the plans, the outbuildings would be within 2.00m of the boundary of the curtilage of the dwellinghouse and the height of the outbuildings would exceed 2.50m, contrary to E.1 (e)(ii). In addition, the height of the eaves of the buildings would exceed 2.50m, contrary to E.1 (f).

Elevations 1:100



Conclusion

The proposed development fails to comply with Schedule 2, Part 1, Class E of **THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015, AS AMENDED**. The outbuildings would be within 2.00m of the boundary of the curtilage of the dwellinghouse and the height of the outbuildings would exceed 2.50m, contrary to E.1 (e)(ii). In addition, the height of the eaves of the buildings would exceed 2.50m contrary to E.1 (f). Therefore, the **LAWFUL DEVELOPMENT CERTIFICATE is REFUSED**.

Recommendation: Refuse Lawful Development Certificate

Case Officer:	Mrs Lucy Hankin	Team Leader:	Richard Hart
Signed:	L Hankin	Signed:	<i>R Hart</i>
Dated:	6 th November 2023	Dated:	6 th November 2023