

Delegated Report

Lawful Development Certificate (Proposed)

Application no:	20230956
Location	9 Brandon Street Gravesend Kent DA11 0PL
Proposal:	Application for a Lawful Development Certificate in respect of the proposed change of use of dwelling house (Use Class C3) to HMO (Use Class C4) for up to 5 people.
Applicant:	Mr Sami-UI-Waris Naeem
Site Visit	N/A Desktop Assessment

Plans & Documents

Application Form Dated 11/09/2023;
 Supplementary Information – received 12/09/2023;
 OS Plan – received 13/09/2023;
 Drawing Number BR/008 (Block / Site Layout Plan – Existing)
 Drawing Number BR/009 (Block / Site Layout Plan – Proposed);
 Drawing Number BR/003 (First Floor Plans – Existing and Proposed);
 Drawing Number BR/006 (Rear Elevation – Existing and Proposed);
 Drawing Number BR/007 (Front Elevation – Existing and Proposed);
 Drawing Number BR/002 (Ground Floor Plan – Existing and Proposed);
 Drawing Number BR/001 (Lower Ground Floor – Existing and Proposed);
 Drawing Number BR/004 (Second Floor Plan – Existing and Proposed);
 Drawing Number BR/011 (West Elevation – Existing and Proposed); and
 Drawing Number BR/005 (East Elevation – Existing and Proposed).

Property Type

9 Brandon Street is a three-storey terraced dwellinghouse.

Material Consideration

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

Relevant Planning History

Reference	Description	Decision	Decision Date
20160992	Conversion of single dwelling house into 2no. two bedroom self-contained maisonettes involving the erection of first floor rear extension incorporating pitched roof over existing ground floor extension and	Refused	29.12.2016

	enlargement of existing dormer extension in the rear roof slope.		
20160629	Erection of first floor rear extension incorporating pitched roof over existing ground floor extension and enlargement of existing dormer extension in the rear roof slope.	Permitted	19.08.2016
19800051	Erection of single storey rear extension to form bathroom and lobby	Permitted	08.04.1980

Procedural Note

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

Permitted Development Rights for HMOs

The proposed floor plans show 5 separate bedrooms, 3 with en-suites, with kitchen, dining room, WC and bathroom as shared facilities. Therefore, 9 Brandon Street would 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
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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. 9 Brandon Street 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:	Richard Hart
Signed:	<i>N Goodbody</i>	Signed:	<i>R Hart</i>
Dated:	13th November 2023	Dated:	14th November 2023