



Delegated Report

Lawful Development Certificate (Proposed)

Application no:	20260169
Location	Atbara, Gravesend Road Higham Rochester
Proposal:	Application for a Proposed Lawful Development Certificate Construction of a raised patio.
Applicant:	Mrs Jayley Manwaring
Site Visit	N/A Desktop Assessment

Plans & Documents

Application Form dated 10/02/2026;
Drawing Number GR-001 (Site Location Plan and Block Plans – Existing and Proposed);
Drawing Number GR-002 (Floor Plan, Elevations and 3D Image – Existing); and
Drawing Number GR-003 – Floor Plan, Elevations and 3D Image – Proposed).

Property Type

Atbara is a detached dwellinghouse.

Material Consideration

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

Relevant Planning History

Reference	Description	Decision	Decision Date
20240180	Application for a non-material amendment to planning permission reference number 20211583 to allow changes to fenestration and introduction of facing brick plinth to all elevations. Change of roof tiles from blue/black roof slates to plain red roof tiles.	Approval of Non-Material Amendment	21.03.2024
20211583	*REVISED DESCRIPTION* Demolition of existing garage and provision of vehicle hardstanding in the front garden; erection of part single storey and part two storey front, rear and side extensions incorporating alterations to roof and two glazed Juliet balconies at first floor level to the rear elevation; and installation of a low level patio in the rear garden.	Permitted	29.04.2022

Officer Assessment

Permitted Developments Rights Restrictions

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

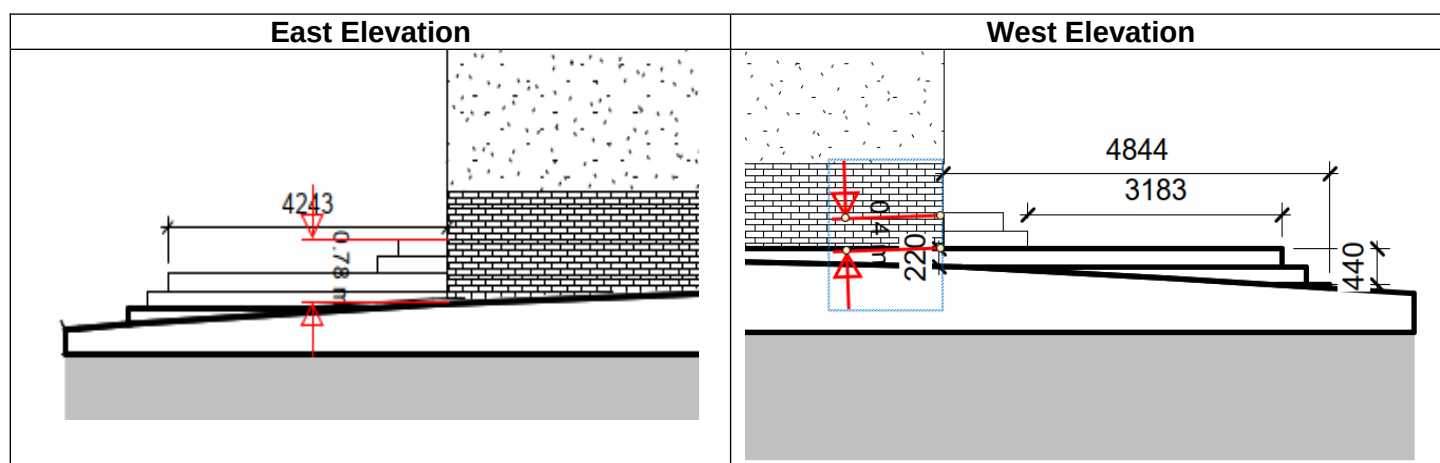
Class a - The enlargement, improvement or other alteration of a dwellinghouse. –

Part 1, Class A paragraph A.1(k)(i) of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) states that Permitted Development would not be granted if the development would include the construction or provision of a verandah, balcony or raised platform.

As set out in the Technical Guidance for The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) a raised platform is defined as:

“Raised” - in relation to a platform means a platform with a height greater than 0.3 metres.

As shown below, when measured from the rear elevation of which the raised platform would be attached, the height would measure from a range of 0.4m to 0.78m and as such would exceed the 0.3m limitation.



As also set out in the technical guidance, the height is measured as below:

“Height” - references to height (for example, the heights of the eaves on a house extension) is the height measured from ground level. (Note, ground level is the surface of the ground immediately adjacent to the building in question, and would not include any addition laid on top of the ground such as decking. Where ground level is not uniform (for example if the ground is sloping), then the ground level is the highest part of the surface of the ground next to the building.)

As such, the application for a Lawful Development Certificate for the construction of a raised patio area is not considered to be permitted development.

This stance is backed up by appeal decision APP/T5150/C/23/3335224 (appendix 1) which states the following paragraph 4.

In relation to the raised patio element to the rear of the rear extension, Part 1, Class A paragraph A.1(k)(i) restricts the construction or provision of a verandah, balcony or raised platform. The Government's Technical Guidance¹ explains that a raised platform is "any platform that has a height of more than 0.3 metres." The raised patio at the appeal site, is well in excess of 0.3m above the ground level. Therefore, the raised patio to the rear of the rear extension does not accord to the stipulations of Schedule 2 Part 1, Class A of the GPDO.

Conclusion

The proposed raised patio would have a height greater than 0.3m and as such the proposed development fails to comply with *Part 1, Class A paragraph A.1(k)(i)* under **THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015, AS AMENDED** and the **LAWFUL DEVELOPMENT CERTIFICATE is REFUSED.**

The **LAWFUL DEVELOPMENT CERTIFICATE** should be **REFUSED.**

Recommendation: Refuse Lawful Development Certificate

Case Officer:	Mrs Nina Goodbody	Team Leader:	Richard Hart
Signed:	<i>N Goodbody</i>	Signed:	<i>R Hart</i>
Dated:	7 th April 2026	Dated:	8 th April 2026