

Supporting Statement

**Tawahi, Telegraph Hill, Higham,
Kent, ME3 7NW**

Proposed Lawful Development Certificate
for a two-storey rear extension and 1 no.
Outbuilding within the curtilage of the
dwelling



RTPI

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1 Introduction

- 1.1 This Supporting Statement has been submitted in support of an application for the following development at Tawahi, Telegraph Hill, Higham, Kent, ME3 7NW (hereafter referred to as 'the Site'):

Proposed Lawful Development Certificate for a two-storey rear extension and 1 no. Outbuilding within the curtilage of the dwelling

- 1.2 The proposed development affects the following Land Registry title(s):

Title Number	Description	Owner
K94814	TAWAHI TELEGRAPH HILL, HIGHAM, ROCHESTER ME3 7NW	The Applicant

- 1.3 The application is accompanied by the following plans and documents:

- 100 – Ex Block Plan
- 101 – Ex Site Plan
- 102 – Ex GF Plan
- 103 – Ex 1F Plan
- 104 – Ex Roof Plan
- 105 – Ex Elevations
- 106 – Ex Elevations (2)
- 200 – Prop Block Plan
- 201 – Prop Site Plan
- 205 – Prop Elevations
- 206 – Prop Elevations (2)
- 207 – Prop Garage + Summerhouse
- 4501.ON – Supporting Statement

2 Site Context

- 2.1 The Site is a detached dwelling that is situated to the east of Telegraph Hill on an extensive parcel of land amongst other large, detached residential dwellings and occupies a total of approximately 0.14ha.
- 2.2 The dwelling comprises a large family area, kitchen, utility room, dining room, living room, a shower and two garages on the ground floor, which follows a linear pattern. The first floor possesses 4 bedrooms along with a single bathroom.
- 2.3 The principal elevation of the dwelling is constructed from both red brick and white render on the external walls, whilst the roof is constructed from plain brown tile. There is a single front door constructed from UPVC to match the windows, as well as two metal garage doors. Lastly, the guttering and downpipes are constructed from a black plastic material.
- 2.4 The dwelling itself is situated towards the centre of the plot and is surrounded by a large garden that has a low fence acting as the boundary treatment. There is also a large driveway that leads directly from Telegraph Hill that allows vehicular access to the dwelling.
- 2.5 To the east of the rear garden is a large, wooded area which is protected as a local wildlife site, known as Telegraph Hill. Furthermore, within the local wildlife site is a Grade II listed building known as Monument on Telegraph (List entry number 10966328).
- 2.6 In a wider context, the Site forms part of a predominantly residential area of Higham comprising mainly detached dwellings on large plots of land. There is also a range of amenities available to the dwelling, such as multiple pubs and a local garage, as well as both primary and secondary schools.
- 2.7 The Site is also within 1.2 miles of Higham Station, which offers transport links to London via the Thameslink train, which subsequently offers further links to the wider area.
- 2.8 This Site is the subject of the following planning constraints and characteristics:
 - Flood Zone 1

3 Relevant History

3.1 The following records are understood to be relevant to the Site:

Erection of house and garage

Ref. No: 19590385 | Status: Application Permitted

Erection of a double-storey front and rear extension, conversion of loft space, to include two dormers, conversion of garage, to include a new roof. Erection of an outbuilding for car parking, storage and office space, and changes to fenestration.

Ref. No: 20230682 | Status: Application Refused on the basis that it would be harmful in terms of scale, design and mass

Erection of a double-storey front and rear extension with alterations to fenestration, which includes 3 Juliette balconies. Erection of a single-storey side extension and conversion of the garage with 2 roof lights. Conversion of loft area to habitable space with 2 dormer windows, 6 rooflights and a sky lantern.

Ref. No: 20231232 | Status: Application Refused on the basis that it would be harmful in terms of scale, design and mass

Application for a Proposed Lawful Development Certificate for the erection of a two-storey rear extension, front porch, garage, workshop, a summerhouse and gym.

Ref. No: 20250350 | Status: Certificate Refused on the basis that there was insufficient evidence for the need for the number of outbuildings

Demolition of garage and erection of a two-storey rear extension and single-storey side extension, creation of a new hip roof to front elevation and replacement of existing tiled roof covering with new reconstituted slate roofing finish with changes to fenestration.

Ref. No: 20250819 | Status: Approved

4 Proposed Development

4.1 The application entails the following elements:

Garage

- 7m wide and 6m deep.
- Single storey with eaves height 2.5m and ridge height 4m.
- Dual-pitched roof.
- Large metal garage door to allow for vehicle access on the west elevation
- Single pedestrian door on east elevation.
- Roof to be plain tile to match the existing dwelling.
- Facing brickwork to match existing dwelling.
- UPVC door to match the existing dwelling.

Summer House

- 7m wide and 4m deep
- 2.5m in height with a flat roof
- 5 bi-folding doors on the south elevation
- Roof to be high performance membrane
- UPVC door and windows to match the existing dwelling
- External façade to be T&G timber cladding

5 Outbuildings

Development Not Permitted

- 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 (change of use) – **This is not the case for the proposed outbuildings**
- b) the total area of ground covered by buildings, 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) – **This is not the case**
- 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 – **This is not the case for the proposed outbuildings**
- d) the building would have more than a single storey – **This is not the case for the outbuildings.**
- e) the height of the building, enclosure or container would exceed 4 metres in the case of a building with a dual-pitched roof, 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse, or 3 metres in any other case – **The proposed summerhouse is within 1m of the boundary so will be 2.5m in height. The proposed garage is over 2m from the boundary and is therefore 4m in height.**
- f) the height of the eaves of the building would exceed 2.5 metres – **This will not be the case for the outbuilding.**
- g) the building, enclosure, pool or container would be situated within the curtilage of a listed building. **There is no listed building within the curtilage, and therefore it is not relevant**
- h) it would include the construction or provision of a verandah, balcony or raised platform – **This is not the case for the outbuildings.**
- i) It relates to a dwelling or a microwave antenna – **This is not the case for the outbuildings.**
- j) the capacity of the container would exceed 3,500 litres. – **This is not the case for the outbuildings.**

5.1 Paragraph E.2 and E.3 relate to article 2(3) land only and is not relevant to this particular submission

5.2 Paragraph E.4 states that Class E also relates to the keeping of poultry, bees, pet animals, birds or other livestock for the domestic needs or personal enjoyment of the occupants of the dwellinghouse, which is not relevant in this case.

- 5.3 The applicant has been mindful of relevant case-law in drawing up the proposals, namely, *Emin v Secretary of State for the Environment and Mid Sussex District Council* [1989] JPL 909.
- 5.4 This case has established that in the consideration of the term “incidental to the enjoyment of the dwellinghouse”, there should be some connotation of reasonableness in the circumstances of each case; it should not be based solely on the unrestrained whim of a householder.
- 5.5 The test is whether “the nature of the activities carried out in the proposed building ensures they are incidental or conducive to the very condition of living in the dwellinghouse.” It goes on to say that “the physical sizes of buildings could be a relevant consideration in that they might represent some indicia as to the nature and scale of the activities.” “When a matter is looked at as a whole, size might be an important consideration but not in itself conclusive.” It was held that “incidental connoted an element of subordination in land use terms in relation to the enjoyment of the dwellinghouse.”
- 5.6 The building is considered to be of a size and proposed use that ensures it is incidental to the enjoyment of the dwellinghouse. The existing dwelling and garage do not have space to accommodate a summerhouse and are considered to be of a reasonable size sufficient to house the equipment needed to maintain the dwelling and also its extensive curtilage.
- 5.7 The proposed outbuildings will not include features that are common with primary living accommodation, and the buildings will not be used as such.
- 5.8 The building is subordinate in scale to the dwelling and would not result in an unbalanced relationship between the main dwellinghouse and the proposed outbuildings. They would not appear out of scale with or disproportionate to the overall area of the curtilage associated with the dwelling.
- 5.9 Furthermore, it was confirmed in the delegated report for 20250250 that the summerhouse would be considered reasonable under Class E due to its size and incidental nature. It will be used by residents of the dwelling incidental to the enjoyment of the dwelling house. The family proposes to utilise the outbuilding for relaxing as well as a home office when the Applicant works from home.
- 5.10 The use of the summerhouse is not limited to one specific purpose and can be utilised by every member of the dwelling. Other uses could include a playroom, hobby room, garden bar or entertainment space.

- 5.11 The LPA has acknowledged in 20250250 that garages can be used flexibly for purposes such as parking, storage and workshop activities. In this case, the garage will accommodate multiple domestic functions, including a home gym, storage and workshop space, with the existing garage having recently been granted permission for the use of living accommodation in relation to the dwelling as part of 20250250.
- 5.12 Accordingly, both the garage and proposed summerhouse are required to support typical domestic activities associated with the dwelling. The uses are considered incidental to the enjoyment of the property and therefore fall within Class E of the GPDO.

6 Conclusions

- 6.1 It is considered that the proposals are in accordance with the relevant classes in the GPDO and are therefore Lawful.
- 6.2 It is therefore respectfully requested that this application be approved, and a Certificate be issued.