

# Delegated Report

## *Lawful Development Certificate (Proposed)*

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|------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Application no:</b> | 20231241                                                                                                                                      |
| <b>Location</b>        | Little Westwood Thong Lane Shorne Gravesend                                                                                                   |
| <b>Proposal:</b>       | Application for a Lawful Development Certificate in respect of the proposed erection of two single storey rear extensions and an outbuilding. |
| <b>Applicant:</b>      | Mr and Mrs M Cason                                                                                                                            |
| <b>Site Visit</b>      | N/A Desktop Assessment                                                                                                                        |

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### Plans & Documents

Application Form Dated 04/12/2023;  
 Supplementary Information – Cover Letter received 05/12/2023;  
 Supplementary Information – Supporting Statement received 05/12/2023;  
 Drawing Number 1222.WD.05 (Elevations and Cross Section – Existing);  
 Drawing Number 1222.WD.01A (Site Location Plan, Block Plan and Floor Plans – Existing);  
 Drawing Number 1222.WD.02E (Ground Floor Plan – Proposed);  
 Drawing Number 1222.WD.07C (Block Plan – Proposed);  
 Drawing Number 1222.WD.08B (Ancillary Building Floor Plan – Proposed);  
 Drawing Number 1222.WD.09B (Elevations – Proposed); and  
 Drawing Number 1222.WD.10A (Ancillary Building Elevations – Proposed).

### Property Type

The property comprises

### Material Consideration

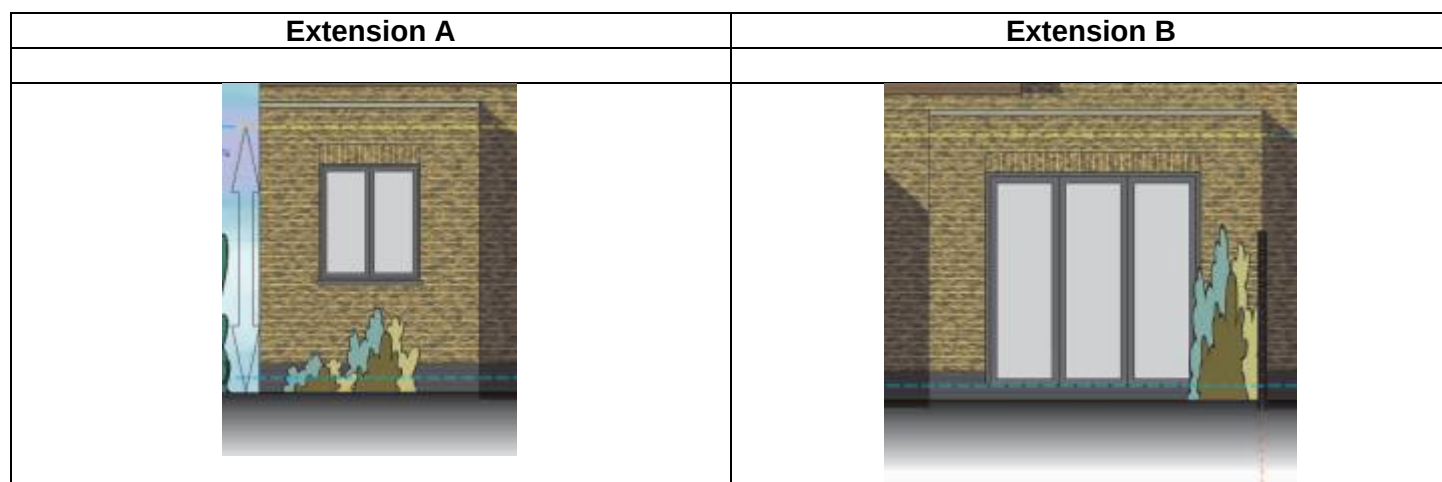
Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

### Relevant Planning History

| Reference | Description                                                                                                                                   | Decision            | Decision Date |
|-----------|-----------------------------------------------------------------------------------------------------------------------------------------------|---------------------|---------------|
| 20231003  | Application for a Lawful Development Certificate in respect of the proposed erection of two single storey rear extensions and an outbuilding. | Certificate Refused | 21.11.2023    |
| 20220523  | Demolition of existing rear single storey extension, and erection of a two storey side extension and single storey rear extension.            | Refused             | 14.07.2022    |

## Preliminary Matters

For the purposes of this report, the proposed extensions will be referred to as extension A and B as shown below:



## Officer Assessment

### *Permitted Developments Rights Restrictions*

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

### **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   |
| (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   |
| (e) | the enlarged part of the dwellinghouse would extend beyond a wall which –                                                                                                                                                                                               | N   |
|     | (i) forms the principal elevation of the original dwellinghouse; or                                                                                                                                                                                                     |     |

|      |                                                                                                                                                                                                                                                                                                                                                                                                      |                                                            |
|------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------|
|      | (ii) fronts a highway and forms a side elevation of the original dwellinghouse                                                                                                                                                                                                                                                                                                                       |                                                            |
| (f)  | subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and –<br><br>(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<br><br>(ii) exceed 4 metres in height                                                                   | N<br><br>N                                                 |
| (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 –<br><br>(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<br><br>(ii) exceed 4 metres in height; | N/A<br><br>N/A                                             |
| (h)  | the enlarged part of the dwellinghouse would have more than a single storey and –<br><br>(i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or<br><br>(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/A<br><br>N/A                                             |
| (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                                                                                                                                                                                                        | Extension A<br>N<br>Extension B<br>N                       |
| (j)  | the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would –<br><br>(i) exceed 4 metres in height,<br><br>(ii) have more than a single storey, or<br><br>(iii) have a width greater than half the width of the original dwelling; or                                                                                        | N<br><br>N<br><br>Extension A<br>– N<br>Extension B<br>– N |
| (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 –<br><br>(i) the construction or provision of a verandah, balcony or raised platform,<br><br>(ii) the installation, alteration or replacement of a microwave antenna,                                                                                                                                                                                                 | N<br><br>N                                                 |

|            |                                                                                                                                                                                                                                                                                                                     |                           |
|------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|
|            | (iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or<br><br>(iv) an alteration to any part of the roof of the dwellinghouse                                                                                                                                               | N<br><br>Y<br>See Class C |
| (l)        | the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses)                                                                                                                                                                                                                      | N                         |
| <b>A.2</b> | <b>In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if –</b>                                                                                                                                                                                                            | <b>Y/N</b>                |
| (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                         |
| (b)        | the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or                                                                                                                                                                                        | N                         |
| (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                         |
| (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                         |
| <b>A.3</b> | <b>Development is permitted by Class A subject to the following conditions –</b>                                                                                                                                                                                                                                    | <b>Y/N</b>                |
| (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 –<br><br>(i) obscure-glazed, and<br><br>(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<br><br>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.                        | N/A                       |

**Class C - Any other alteration to the roof of a dwellinghouse.**

|            |                                                                                                                                                          |            |
|------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
| <b>C.1</b> | <b>Development is not permitted by Class C if -</b>                                                                                                      | <b>Y/N</b> |
| (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 –<br><br>(i) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or<br><br>(ii) the installation, alteration or replacement of solar photovoltaics or solar thermal equipment.                                                                                                             | N<br><br>N     |
| <b>C.2</b> | 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-<br><br>(a) obscure-glazed; and<br><br>(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<br><br>N/A |

**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.**

| <b>E.1</b> | <b>Development is not permitted by Class E if –</b>                                                                                                                                                                                                 | <b>Y/N</b> |
|------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
| <b>(a)</b> | 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>(b)</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          |
| <b>(c)</b> | 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          |
| <b>(d)</b> | The building would have more than a single storey;                                                                                                                                                                                                  | N          |
| <b>(e)</b> | The height of the building, enclosure or container would exceed –<br><br>(i) 4 metres in the case of a building with a dual-pitched roof,                                                                                                           | N          |

|            |                                                                                                                                                                                                                                                                                                                                                                      |     |
|------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
|            | (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                                                                                                                                                                                                                              | N/A |
|            | (iii) 3 metres in any other case;                                                                                                                                                                                                                                                                                                                                    | N/A |
| <b>(f)</b> | The height of the eaves of the building would exceed 2.5 metres;                                                                                                                                                                                                                                                                                                     | N   |
| <b>(g)</b> | The building, enclosure, pool or container would be situated within the curtilage of a listed building;                                                                                                                                                                                                                                                              | N   |
| <b>(h)</b> | It would include the construction or provision of a verandah, balcony or raised platform;                                                                                                                                                                                                                                                                            | N   |
| <b>(i)</b> | It relates to a dwelling or a microwave antenna; or                                                                                                                                                                                                                                                                                                                  | N   |
| <b>(j)</b> | The capacity of the container would exceed 3,500 litres                                                                                                                                                                                                                                                                                                              | N/A |
| <b>(k)</b> | the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses)                                                                                                                                                                                                                                                                       | N   |
| <b>E.2</b> | In the case of any land within the curtilage of a dwellinghouse which is within –<br><br>(a) An area of outstanding natural beauty;<br><br>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 |
| <b>E.3</b> | 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   |

## Analysis

Previous application 20231003 for the erection of two single storey rear extensions and an outbuilding was refused on the below grounds:

*The proposed development fails to comply with Class A.1 (i) and A.1 (j) (iii) under **THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015, AS AMENDED**, and the **LAWFUL DEVELOPMENT CERTIFICATE is REFUSED**.*

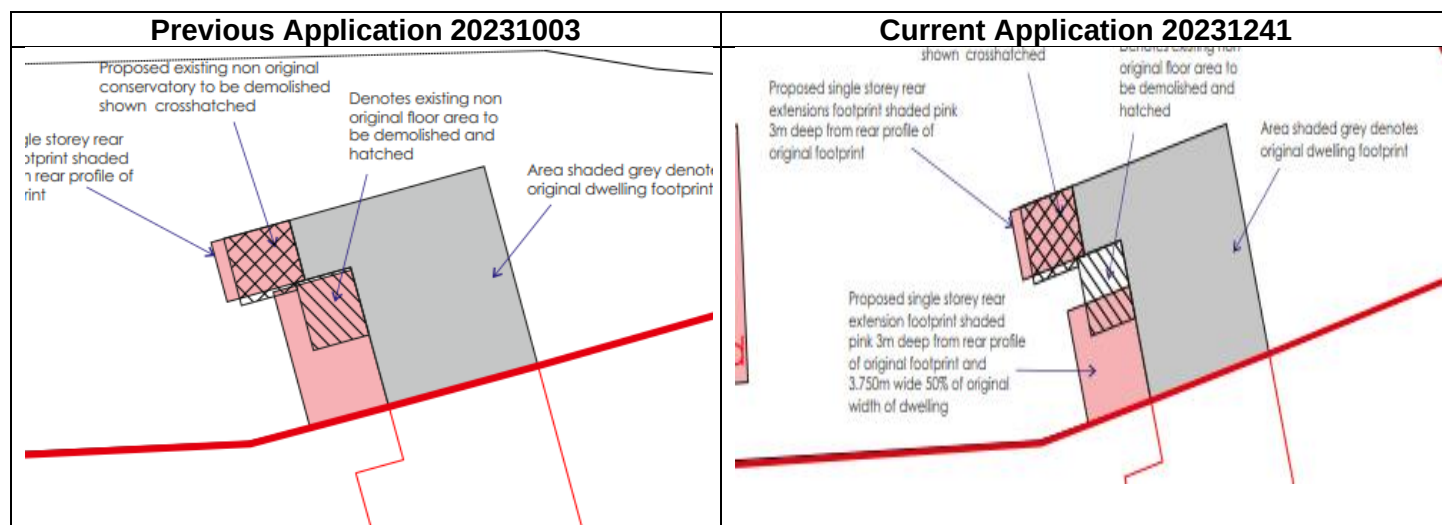
*It is considered the outbuilding is not incidental to the main dwellinghouse by virtue of the excessive footprint which would exceed the main dwelling footprint by approximately 52.53msq and therefore cannot be considered subordinate, or 'incidental.'*

*Therefore, the proposed development fails to comply with **THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015, AS AMENDED**, and the **LAWFUL DEVELOPMENT***

The current application is permitted by way of:

The eaves of the proposed extension measure at 3m and as such the current application does comply with A.1 (i).

The previous application failed to comply with A.1 (j) (iii) as the total enlargement would extend beyond a wall forming a side elevation of the original dwellinghouse and have a width greater than half the width of the original dwelling. This has been addressed within the current application as shown below:



Whilst the proposed outbuilding is large, the Local Authority having reviewed case law and appeals accepts the use of the building as incidental to the dwellinghouse and therefore, the current application is in accordance with The Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, and the Lawful Development.

## Conclusion

The proposed alterations comply with Schedule 2, Part 1, Classes A, C and E of The Town and Country Planning (General Permitted Development) (England) Order 2015, as amended. Therefore, planning permission is not required and a Lawful Development Certificate can be granted.

**Recommendation:** Grant Lawful Development Certificate

|                      |                   |                     |                               |
|----------------------|-------------------|---------------------|-------------------------------|
| <b>Case Officer:</b> | Mrs Nina Goodbody | <b>Team Leader:</b> | Richard Hart                  |
| <b>Signed:</b>       | <i>N Goodbody</i> | <b>Signed:</b>      | <i>R Hart</i>                 |
| <b>Dated:</b>        | 11th January 2024 | <b>Dated:</b>       | 23 <sup>rd</sup> January 2024 |