

Delegated Report

Lawful Development Certificate (Proposed)

Application no:	20220401
Location	21 Grange Road Gravesend Kent DA11 0ET
Proposal:	Application for a Lawful Development Certificate in respect of the proposed erection of an outbuilding to form a gym.
Applicant:	Mr Khakh
Site Visit	Desktop Assessment

Preliminary Matters

The agent was contacted on 09.05.2022 and given the opportunity to amend the plans as the proposed outbuilding did not initially comply with Class E. The outbuilding was within 2 metres of the boundary and exceeded both the 2.5m height limit as set out by E.1 (e)(ii), and the eaves limit of 2.5 metres set out by E.1 (f.) A revised plan was received on 16.05.22 to address this and forms the assessment below.

Plans & Documents

Application Form;
Drawing No. 01 – Block Plan – Existing and Proposed;
Drawing No. 02A – REVISED Elevations, Section and Floor Plans – Proposed; and
Drawing No. 03 – Site Location Plan.

Property Type

21 Grange 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

Application No.	Description	Status	Decision
20131119	Single storey rear extension with a depth of 3.676 metres, maximum height of 3.270 metres and eave height of 2.870 metres.	Prior Approval Not Required	03.02.2014
20131117	Application for Lawful Development	Certificate	03.02.2014

Certificate for the proposed
erection of a single storey rear
extension to form a dining room.

Granted

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 N 2.5m N/A
(f)	The height of the eaves of the building would exceed 2.5 metres;	N 2.5m
(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

The application seeks to obtain a Lawful Development Certificate for the erection of an outbuilding to form a gym. The floor plans show a gym area along with WC. The WC can be considered an example of primary living accommodation which would not be an incidental use under Class E and require planning permission. However, a degree of reasonableness can be applied. The proposed WC is small with a basin and toilet only and it is highly likely that it would be used only in connection with the gym.

*Plan Note

The existing and proposed block plans do not include the single storey rear extension as shown by Google Earth:



E.1 (b) sets out a 50% ground cover limit for buildings, containers and enclosures within the curtilage. If the single storey rear extension has not been demolished then it should be shown on any future plans submitted.

Nonetheless for the purposes of this application it is deemed that the proposed outbuilding would comply with E.1 (b.)

Conclusion

The proposed development complies with Schedule 2, Part 1, Class E of **THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015, AS AMENDED**, and the **LAWFUL DEVELOPMENT CERTIFICATE is GRANTED.**

Recommendation: <u>Grant</u> Lawful Development Certificate		
	Name/Signature	Date
Planning Officer	L Hankin	17.05.2022
Team Leader		19 May 2022