



Delegated Report

Application No:	20211117
Location:	30C Old Road West, Gravesend, Kent, DA11 0LJ
Description:	Application for Lawful Development Certificate for proposed erection of a one bedroom annex to be used ancillary to main dwelling.
Applicant:	Mr Bal Aujla
Site Visit Date:	Desktop assessment

Submitted Documents/Plans

The applicant has submitted the following in support of the application:

Application form;
Cover letter dated 10 September 2021;
Site Location Plan;
Drawing no. 476/75 (Existing Block Plan);
Drawing no. 476/76 (Existing Site Layout Plan);
Drawing no. 476/100 Rev. A (Proposed Block Plan);
Drawing no. 476/101 Rev. A (Proposed Site Layout Plan);
Drawing no. 476/102 Rev. A (Proposed Plans and Elevations);
(All received 13 September 2021).

Relevant Planning History

Application No.	Description	Status	Decision
20210937	Application for Lawful Development Certificate for proposed erection of a one bedroom annex to be used ancillary to main dwelling.	Certificate refused	08.09.2021
20030145	Erection of part two storey and part single storey rear extension to form kitchen and conservatory at ground floor level with a bedroom and boxroom at first floor level.	Permitted	01.05.2003
19940147	Erection of front porch and car port to side and single storey rear extension to form enlarged lounge/diner and enlarged kitchen diner.	Permitted	18.05.1994

Property Type

30C Old Road West is a two storey end of terrace house within the urban boundary of Gravesend.

Proposal

The proposal involves the construction of an outbuilding, which will be approximately 2.58m high to eaves level, 2.98m high to the top of the pitched roof, 5.6m deep and 8.6m wide.

The submitted planning statement also says that the building will be used as an annexe for the applicant's elderly father.

Development Plan

Due to the nature of this application, the adopted plan and national planning policies are not relevant since it relates to whether the proposed outbuilding falls under permitted development.

Planning Legislation

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

Officer Assessment

Permitted Developments Rights Restrictions

Article 2 (3) Land (AONB, Listed Building, 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, MA, 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 – 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 dwellinghouse, or 3 metres in any other case;	Y (2.66m)
(f)	The height of the eaves of the building would exceed 2.5 metres;	N (2.47m)
(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;	N
(j)	The capacity of the container would exceed 3,500 litres; or	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; (b) the Broads; (c) a National Park; or (d) a World Heritage Site, 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

Conclusion

The *Permitted development rights for householders Technical Guidance* (2019) explains that in relation to Class E development, if any part of the building, container or enclosure is within 2 metres of the boundary of the curtilage of the house, then the height limit for the total development is restricted to 2.5 metres if it is to be permitted development.

The proposed outbuilding does not fall within the above limits set out in Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), as it fails to meet criteria (e) in respect of the height of the outbuilding, as the building

is within 2m of the curtilage boundary and the maximum height will exceed 2.5m. Therefore, planning permission is required and a Lawful Development Certificate cannot be issued.

In addition, the proposed development cannot be classed as ancillary in the manner required by the GPDO, for a purpose incidental to the enjoyment of the existing dwellinghouse as such, as the proposed plans show a fully self-contained residential annexe. The Technical Guidance states that such a residential use would not be covered under a purpose incidental to a house. On this basis, planning permission would also be required.

Recommendation: Refuse Lawful Development Certificate		
	Name/Signature	Date
Planning Officer	<i>K. Parkin</i>	20/10/2021
Principal Planner/ Manager	Richard Hart / <i>R Hart</i>	20 th October 2021