

Dartford Borough Council
Planning Department
Civic Centre
Home Gardens
Dartford
Kent
DA1 1DR



Submitted via Planning Portal – Ref: PP-12601761

22 November 2023

Our Ref: 2168919/3/MH/DH

Dear Sir/Madam,

**CERTIFICATE OF LAWFULNESS OF PROPOSED USE OR DEVELOPMENT APPLICATION
PROPOSED WORKS COMPRISING THE ERECTION OF A REAR DORMER EXTENSION AND
INSTALLATION OF FRONT ROOF LIGHTS AT 4 ORCHARD TERRACE, COTTON LANE,
GREENHITHE, KENT, DA9 9AX**

On behalf of Abbeywillow Properties Ltd (“the Applicant”), we are instructed to submit a Certificate of Lawfulness of Proposed Use or Development (“CLOPUD”) Application to determine the lawfulness for the erection of a rear dormer extension and installation of front roof lights to provide a further floor at a property known as 4 Orchard Terrace, Cotton Lane, Greenhithe, Kent, DA9 9AX (“the Site”).

For clarity, in addition to this letter, this application submission comprises the following documents:

Application form, signed and dated;

CIL Additional Information Form 1, signed and dated;

Planning drawings comprising:

- Location Plan (Drawing Ref: 20C);
- Ground Floor – Existing (Drawing Ref: 1B);
- First Floor – Existing (Drawing Ref: 2B);
- Front Elevation – Existing (Drawing Ref: 3B);
- Rear Elevation – Existing (Drawing Ref: 4B);
- Right Side Elevation – Existing (Drawing Ref: 24A);
- Left Side Elevation – Existing (Drawing Ref: 25A);
- Proposed Block Plan (Drawing Ref: 26B);
- Ground Floor – Proposed Roof Extension (Drawing Ref: 21C);
- First Floor – Proposed Roof Extension (Drawing Ref: 10E);
- Second Floor – Roof Extension (Drawing Ref: 11F);
- Front Elevation – Proposed Roof Extension (Drawing Ref: 7D);

- Rear Elevation – Proposed Roof Extension (Drawing Ref: 19F);
- Right Side Elevation – Proposed Roof Extension (Drawing Ref: 27C); and
- Left Side Elevation – Proposed Roof Extension (Drawing Ref: 28C).

The application fee of £167 has been paid by the Planning Portal.

The Application Site

The Site comprises the property known as 4 Orchard Terrace, which forms part of a row of terraced housing to the north of Cotton Lane / Elizabeth Street. The existing property, like neighbouring properties along Orchard Terrace, is two-storeys in height with a long rear garden which extends northwards towards a stretch of railway line.

To its east, beyond 'Orchard Terrace', is an area of woodland covered by a group TPO and designated as a 'Borough Open Space', and to its west is further residential development fronting onto Cotton Lane / Elizabeth Street. To its north, as abovementioned, is a stretch of railway line linking the nearby 'Stone Crossing Railway Station' with 'Dartford Railway Station', which is roughly 2 miles to the west. Beyond this, is the 'Crossways Business Park', a designated employment site, which extends to the banks of the River Thames, roughly 1km to the north of 4 Orchard Terrace. To its south, across Cotton Lane / Elizabeth Street, is a large area of green space which forms part of the 'Thameside Green Corridor', a designated 'Biodiversity Opportunity Area'. A section of this area is a 'safeguarded mineral and waste site'.

The Site is located within Flood Zone 1, though to its north across the railway line, is a large area within flood zone 3. The site is not located within a Conservation Area and there are no listed buildings in close proximity.

Planning History

There are 2no. previous applications at the Site which are of relevance, these are detailed below:

Application ref: 23/00667/FUL for the 'Provision of raised decking area in rear garden'. Approved on 1st September 2023.

Application ref: 23/00671/LDC for 'a Lawful Development Certificate for proposed part two / part single storey rear extension and dormer window with Juliette balcony in rear elevation and roof lights in front roof slope in connection with providing additional rooms in the roof space'. Refused on 1st September 2023.

The refused Lawful Development Certificate application is the basis for this revised CLOPUD application with the scheme revised to address the reason for refusal.

We have also identified an application at a neighbouring property. This is as follows:

Application Ref: 19/00014/LDC for Application for a Lawful Development Certificate for proposed provision of dormer window in rear elevation and roof lights in front elevation in connection with providing additional rooms in the roof space. 6 Orchard Terrace. Approved in February 2019

The Proposed Development

It is proposed to erect a rear dormer extension with roof lights in the front roof slope. All of these works benefit from Permitted Development rights under Part 1 Class B of the General Permitted Development Order, so a CLOPUD is sought to confirm this for the reasons outlined in this covering letter.

Loft Conversion

The proposed loft conversion will make minimal changes to the existing loft space, extending the rear roof slope by 27m³. This will be finished with plain tiles to match the existing roof, with a new glass Juliet Balcony and new Velux roof windows installed.

Other works to the property not dealt with in this application.

The full works proposed for the property also include a part single / two storey extension, though this is dealt with via a full planning application as it does not benefit from permitted development and is not included within the alterations to this part of the property.

Assessment of Permitted Development Rights

As works comprise 'Additions to the roof of a dwellinghouse', the rear dormer extension benefits from Permitted Development Rights, as set out in Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 ("the GPDO"). This is on the proviso that all of the required conditions of the relevant sections of the Order are met.

To demonstrate that the proposed development is compliant with these conditions, an assessment of this is undertaken below:

Additions to the roof of a dwellinghouse

In assessing the proposal against the requirements of the Order we provide the summary below against the restrictions of Schedule 2, Class B.1 with our response in italics.

Paragraph B

"The enlargement of a dwellinghouse consisting of an addition or alteration to its roof."

Paragraph B.1

Development is not permitted by Class B if-

- (a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of [Class G, M, MA, N, P, PA or Q of Part 3]¹ of this Schedule (changes of use);

The dwellinghouse has always been in use as a dwellinghouse and not been subject to any changes of use.

- (b) any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;

The height of the highest part of the existing roof would not be exceeded.

- (c) any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway;

All changes to the existing roof slope are proposed for the rear of the property and would not extend beyond the plane of the existing roof slope at the front of the property, which is the principal elevation.

- (d) the cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than-

- (i) 40 cubic metres in the case of a terrace house, or
- (ii) 50 cubic metres in any other case;

The cubic content of the resulting roof space would comprise 27 cubic metres, so falls well below the maximum of 40 cubic metres for a terraced house.

- (e) it would consist of or include-

- (i) the construction or provision of a verandah, balcony or raised platform, or
- (ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe;

Neither of the above are sought as part of this application for a certificate of lawfulness. As stated above.

- (f) the dwellinghouse is on article 2(3) land.

The dwellinghouse is not on article 2(3) land.

- (g) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses)

The dwellinghouse was not built under Schedule 2, Part 20 of the Town and Country Planning (General Permitted Development) (England) Order 2015/596.

- (h) the existing dwellinghouse has been enlarged in reliance on the permission granted by Class AA (enlargement of a dwellinghouse by construction of additional storeys).

The existing dwellinghouse has not been enlarged via Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015/596.

Therefore, it can be concluded that the Proposed Development is in accordance with the requirements of the General Permitted Development Order. We assess the Site below against the conditions as stated in the General Permitted Development Order.

Conditions

Paragraph B.2

- (a) the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;

The external materials for the roof extension will be of a similar appearance to the existing dwellinghouse, including plain tiles to match the existing.

- (b) the enlargement must be constructed so that—

- (i) other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension—

- (aa) the eaves of the original roof are maintained or reinstated; and

The eaves of the original roof will be reinstated.

- (bb) the edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge of the eaves; and

The enlarged part of the roof will be 0.3m from the eaves.

- (ii) other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse; and

The roof extension will not extend beyond the outside face of any external wall of the original dwellinghouse.

- (c) any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse must be—

- (i) obscure-glazed, and

- (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.

No side windows are proposed.

Conclusion

The proposed development meets the tests of the legislation to demonstrate compliance with the Certificate of Lawfulness of proposed use or development application. Following assessment of the proposed rear dormer extension against the GPDO requirements it is concluded that these would qualify for a Certificate of Lawfulness.

We look forward to receiving notification of the registration of this application in due course. In the meantime, should you have any queries or wish to discuss further, please do not hesitate to contact either myself or Mark Harris (Mark.Harris@freeths.co.uk).

22 November 2023

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Yours faithfully,

This document is "unsigned" as it is electronically forwarded. If you require a signed copy please contact the sender.



**Planning & Environment Group
Freeths LLP**

Please respond by e-mail where possible