

P E M B R O K E

P L A N N I N G

Planning Department
London Borough of Bromley
Civic Centre
Stockwell Close
Bromley
BR1 3UH

Planning Portal Ref. PP-12763181

29 January 2024

Dear Sir / Madam

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
32 LAKES ROAD, KESTON BR2 6BN

Pembroke Planning has been instructed to prepare and submit an application for a Certificate of Lawful Proposed Use or Development (CLOPUD) for:

Provision of permeable block paving to the front of the property for the incidental enjoyment of the dwelling house.

As part of the application we enclose:

- Application forms;
- CIL Additional Information Forms;
- Site Location Plan 1:1250 included on Plan 21002 PL 010/A;
- Existing & Proposed Plan 21002 PL 010/A.

A fee of £129 plus £64 (Planning Portal Service Charge) has been paid via the Planning Portal.

The accompanying application for a Certificate of Lawfulness seeks confirmation from London Borough of Bromley that the replacement of the existing paving slabs with permeable block paving would be lawful under Class F of the General Permitted Development Order (GPDO).

The Town & Country Planning (General Permitted Development) (England) Order 2015 is clear that the works to the front of the property are permitted development. We set out below the relevant part of the GPDO.

Class F – hard surfaces incidental to the enjoyment of a dwelling house states:

Development consisting of –

- a) The provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse as such; or
- b) The replacement in whole or in part of such a surface.

Conditions

F.2 Development is permitted by Class F subject to the condition that where—

(a) the hard surface would be situated on land between a wall forming the principal elevation of the dwellinghouse and a highway, and

(b) the area of ground covered by the hard surface, or the area of hard surface replaced, would exceed 5 square metres, either the hard surface is made of porous materials, or provision is made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse.

As set out in the accompanying application drawing (Plan 21002 PL 010/A), it is proposed to replace an area of hard standing to the front of the property with permeable paving.

Class F of the GPDO allows for the provision of a hard surfaced area within the curtilage of a dwelling house for any purpose incidental to the enjoyment of the dwelling house; or the replacement in whole or in part of such a surface.

There are only two provisos that take away Class F permitted development right. Firstly, F1 states that such development is not permitted if the dwelling house came to be such by virtue of a change of use permitted under Classes M, N, P or Q of part 3 of the GPDO. This is not relevant to this Certificate application as the house is not a result of a change of use.

F2 sets out conditions for any hard surface that is (a) situated between the principal elevation of the dwelling house and a highway and/or (b) more than 5 square metres in area. In such circumstances, the surface must be made of porous materials or provision must be made to direct run off to a porous area within the curtilage.

In this instance (a) is not applicable; and the surface (which extends to more than 5m) would be made from permeable block paving. As such, there would be an improvement to what currently exists on site.

In preparing this application, relevant examples of other applications for hardstanding determined by London Borough of Bromley have been reviewed. These are detailed below:

The Oaks, Manor Park, Chislehurst BR7 5QE
Application Reference DC/17/00756/PLUD
Granted 25 July 2017

A Certificate of Lawfulness for a Proposed Use or Development was granted in connection with an area of hardstanding.

The Officers report notes that Class F - 'hard surfaces' provides permitted development rights within the curtilage of a house for the provision of hard surface for any purpose incidental to the enjoyment of the dwellinghouse and the replacement in whole or in part of such a surface. In this instance the proposed hardstanding would fall within the scope of Class F and is considered to be permitted development for the following reasons:

- The hard surface would be situated on land between a wall forming the principal elevation of the dwellinghouse and a highway;
- The area of ground covered by the hard surface, or the area of hard surface replaced, would exceed 5 square metres;
- It is confirmed that the proposed Kentish gold gravel will be permeable.

Officers went onto note that Class B of Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (the GPDO) identify that the formation, laying out and construction of a means of access to a highway which is not a trunk road or a classified road, will be permitted development where that access is required in connection with development permitted by any Class in Schedule 2 of the GPDO, other than in relation to Class A of Part 2. Taking account of the above, the proposed means of access is considered to be Permitted Development.

111 Lovibonds Avenue, Orpington BR6 8EP
Application Reference DC/17/04801/PLUD
Granted 10 January 2018

A Certificate of Lawfulness for a Proposed Use or Development was granted in connection with an area of hardstanding.

Officers noted that the application requires the Council to consider whether the proposal would fall within the parameters of permitted development under F of Schedule 2 Part 1 of the General Permitted Development Order 2015 and specifically whether any limitations/conditions of the Order are infringed.

They went on to note the provisions of the GPDO noting that Class F, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 permits the provision of hard surfaces incidental to the enjoyment of a dwellinghouse.

They confirmed that in this instance, the proposed area of hardstanding, which comprises of paving stone, would be situated on land forwards of the principal elevation of the dwelling and fronting a highway and would exceed 5 square metres however provision has been made to direct run-off water to a porous area, therefore the proposed hardstanding is considered to be permitted development under Class F.

On the basis of the information before the Council and subject to the development complying with the relevant Conditions as contained in the Order it may be considered that the development falls within the relevant criteria of the Order and the certificate should be granted.

14 The Avenue, Orpington BR6 9AS
Application Reference DC/22/01443/PLUD
Granted 9 June 2022

A Certificate of Lawfulness for a Proposed Use or Development was granted in connection with an area of hardstanding.

Class F of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 permits hard surfaces incidental to the enjoyment of a dwellinghouse. The proposed hardstanding is considered to be permitted development for the following reasons:

The dwellinghouse has not been granted by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use). The hard surface would be situated on land between a wall forming the principal elevation of the dwellinghouse and a highway and the area of ground covered by the hard surface would exceed 5 square metres, however the hard surface will be made of a porous material, and an ACO drain is also proposed along the front boundary.

On the basis of the information presented before the Council and subject to the development complying with the relevant Conditions as contained in the Order, it is considered that the proposed development is lawful as it would comply with Class F of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015, and Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The certificate should therefore be granted.

20 Park Avenue, Farnborough, Orpington BR6 8LL
Application Reference DC/23/00709/PLUD
Granted 19 May 2023

A Certificate of Lawfulness for a Proposed Use or Development was granted in connection with an area of hardstanding.

The Officers report went through the tests set out in the GPDO under Class F which covers hard surfaces incidental to the enjoyment of a dwellinghouse F. Development consisting of—

(a) the provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse as such; or (b) the replacement in whole or in part of such a surface.

F.1 Development is not permitted by Class F if permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use).

F.2 Development is permitted by Class F subject to the condition that where—

(a) the hard surface would be situated on land between a wall forming the principal elevation of the dwellinghouse and a highway, and (b) the area of ground covered by the hard surface, or the area of hard surface replaced, would exceed 5 square metres, either the hard surface is made of porous materials, or provision is made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse.

Officers noted that the proposed hardstanding would be sited at the front of the property and would exceed 5sqm. The plans indicate that the hardstanding would consist of permeable paving and it is considered permitted development under Class F of Part 1 Schedule 2. Other works relate to landscaping and additional vehicle access which are not considered to require planning permission in this instance.

The conclusion reached was that on the basis of the information presented before the Council and subject to the development complying with the relevant Conditions as contained in the Order it may be considered that the development would fall within the relevant criteria of the Order.

Conclusions

We have set out above that the dwelling was not granted by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use).

The land where the hardstanding is proposed is within the curtilage of the dwelling.

As the land where the hardstanding is proposed is between the principle elevation and a highway, the proposed hardstanding would be made up of permeable block paving.

We have demonstrated above four recent examples where LB Bromley have granted a Certificate of Lawfulness for hardstanding. The considerations in those four instances are the same for the application property.

As such, for the purpose of the accompanying application, the hard surfaced area being permeable block paving is, permitted by Part 2 Class F of the GPDO and as such a Certificate should be granted.

Should you require any further information then please do not hesitate contact me.

Yours faithfully

David Graham

Pembroke Planning Ltd