

OFFICERS REPORT

Application No: Y19/0452/FH

Location: 3 Weymouth Road Folkestone Kent CT19 4HU

Proposal Lawful Development Certificate (proposed) for the construction of new driveway and dropped kerb.

ASSESSMENT

Performance data:-

Date application valid: 15/04/2019

Applicable 8/13/16 week target date: 10/06/2019

Planning Performance Agreement (PPA) or Planning Extension Agreement (PEA)? N

If Yes, revised 8/13/16 week target date: N/A

Is the application being determined after 26 weeks without a PPA or a PEA? Y

SITE VISIT

Carried out site visit on 30/05/2019

The site and proposals were assessed from the public highway and the key features noted as set out in the report:

SITE

The application site is a two storey terraced dwelling on Weymouth Road in the settlement of Folkestone. There are no other designations on the local policies map. Weymouth Road is an unclassified road.

The immediate area is characterised by dwellings of similar appearance, some of which have constructed off road parking provision to the front, replacing the front amenity areas. The dwellings on the western side of Weymouth Road have large rear amenity areas which can be accessed via a access way that runs from Mitchell Street in the South to Langdon Road in the North. The application site is located opposite the Cheriton Recreation ground.

In terms of materials the house is finished in facing brick work with a plain tile roof.

HISTORY

N/A

PROPOSAL

The proposal seeks a lawful development certificate for the construction of a hard surface to the front of the property to provide for off road parking, the resultant hard surface would measure approximately 31 square metres if the entirety of the front amenity space is developed.

CONSULTATION RESPONSES

Not required

REPRESENTATIONS

Not required

PUBLICITY

Not required

RELEVANT POLICIES

Not applicable

APPRAISAL

In order to be constructed under permitted development the proposed rear extension must fall within Schedule 2, Part 1, Class F of the Town and Country Planning (General Permitted Development) (England) Order 2015.

- (a) The provision of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse would be located within the curtilage of the dwellinghouse
- (b) n/a the proposal does not include the replacement of an existing hard surface

F.1

The dwelling was built for the sole purpose of being used as a dwelling and no changes of use have taken place

Conditions

- (a) the hard surface would be situated on land between a wall forming the principle elevation of the dwellinghouse and a highway, and
- (b) the area of ground covered by the hard surface would exceed 5 square metres, either the hard surface is made from a porous material, 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

The planning history has been checked and there is no evidence of permitted development rights being removed.

In accordance with article 3(6) the permission granted by Schedule 2 does not, except in relation to development permitted by Classes A, B, D and E of Part 9 and Class A of Part 18 of that Schedule, authorise any development which requires or involves the formation, laying out or material widening of a means of access to an existing highway which is a trunk road or classified road, or creates an obstruction to the view of persons using any highway used by vehicular traffic, so as to be likely to cause danger to such persons. Weymouth Road is not a classified road and the proposal does not include any development that would create an obstruction that would cause danger to users of the road.

HUMAN RIGHTS

I have also taken into account the human rights issues relevant to this application. In my view, the Assessment section above and the Recommendation represents an appropriate balance between the interests and rights of the applicant (to enjoy his land subject only to reasonable and proportionate controls by a public authority) [and the interests and rights of those potentially affected by the proposal (to respect for private life and the home and peaceful enjoyment of their properties)] and the wider public interest.

PUBLIC SECTOR EQUALITY DUTY

In determining this application, regard has been had to the Public Sector Equality Duty (PSED) as set down in section 149 of the Equality Act 2010, in particular with regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it. It is considered that the application proposals would not undermine objectives of the Duty.

It is considered that the application proposals would not conflict with objectives of the Duty.

RECOMMENDATION

In light of the above, it is considered the proposal falls within permitted development and a certificate can be issued.

Case Officer:

Report and draft decision notice completed and passed to senior officer.

Name: D Wilkins Position: Planning Officer Date: 11/06/2019

Report and draft decision notice agreed and passed to admin to issue decision.

Name: Position: Date: