

OFFICERS REPORT

Application No: Y19/0584/FH

Location: 69 Turnpike Hill Hythe Kent CT21 4SE

Proposal Lawful Development Certificate (proposed) for the conversion of existing garage to form habitable accommodation.

ASSESSMENT

Performance data:-

Date application valid: 14/05/2019

Applicable 8/13/16 week target date: 09/07/2019

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? N

SITE VISIT

Carried out site visit on 28/06/2019

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 within the settlement of Hythe, along the residential street of Turnpike Hill. The application property is a detached two storey dwelling with an integral garage. The site lies within an area of land instability.

HISTORY

83/0055/SH - ERECTION OF 120 DWELLINGS AND GARAGES AND CONSTRUCTION OF ESTATE ROADS AND FOOTPATHS AS AMENDED. Approved with conditions

PROPOSAL

This application seeks a lawful development certificate for a proposed conversion of existing garage to form habitable accommodation. The proposed works also includes the installation of one window on the front elevation to replace the existing garage door.

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 A of the Town and Country Planning (General Permitted Development) (England) Order 2015.

- (a) There is no condition to retain the garage for parking
- (b) The conversion of the garage does not involve the enlargement of the development beyond permitted rights
- (c) The garage door will be replaced using materials similar to those used in the existing dwelling

In this case, having searched the history of the site, the following condition has been found on the garage-

Condition 6 of Planning Permission 83/0055/SH - The garages hereby permitted shall be erected and made available for use before the appropriate dwellings are occupied and shall thereafter be used only for purposes ancillary to the occupation of the said dwellings to the satisfaction of the District Planning Authority.

This application seeks a Lawful Development Certificate for the conversion of the integral garage to ancillary living accommodation; it is therefore considered that this meets the requirement of the condition.

The proposed garage conversion does not involve the enlargement of the existing garage and the new windows and brickwork to replace the existing garage doors would be of similar appearance to that used in the existing dwelling, as shown on plan number 066-003 Rev A. The planning history has been checked and there is no evidence of permitted development rights being removed.

In light of the above, the proposed garage conversion is considered to benefit from permitted development rights under Schedule 2, Part 1, Class A.

CONCLUSION

It is considered that the proposal falls within the relevant permitted development rights as set out above and a lawful development certificate can be issued

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: 04/07/2019

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

Name: R Allan Position: DM Team Leader Date: 08/07/19