

OFFICERS REPORT

Application No: Y19/0615/FH

Location: 8 Highfield Close Saltwood Hythe Kent CT21 4QP

Proposal Certificate of Lawful Development (proposed) for the installation/relocation of newly installed wood-burner flue.

ASSESSMENT

Performance data:-

Date application valid: 21/05/2019

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

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? Y

SITE VISIT

Carried out site visit on 03/07/2019

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 detached dwelling in the settlement of Saltwood, Hythe. There are no other designations on the local policies map.

The application building is a single storey dwelling with first floor in the roof space, it features a hipped and pitched roof with pitched roof dormer to the front elevation. The property includes an attached double garage to the side and off road parking to the front and side for approximately four vehicles. In terms of materials the dwelling is finished in facing brickwork with uPVC fenestration and a clay tile roof.

There is an existing flue in place in the front roof slope.

HISTORY

CH/8/61/93 - 4 DETACHED BUNGALOWS

Y17/1190/SH - Erection of a side and rear extension, internal alterations to include conversion of existing integral garage to living accommodation and alterations to roof for loft conversion to include front dormer window and front and rear rooflights. Approved with conditions

Y19/0616/FH - Erection of lamppost within front garden. Pending consideration

PROPOSAL

The proposal seeks a Lawful Development Certificate for the proposed installation of a wood-burner flue to the rear roof slope. The proposed flue would measure approximately 1.55 metres in height from the ridge of the roof where it is to be sited, however only 0.8 metres above the highest part of the roof of the host dwelling.

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

G.1

- (a) The dwelling was built for the sole purpose of being used as a dwelling and no changes of use have taken place
- (b) The height of the chimney, flue or soil and vent pipe would not exceed the highest part of the roof by more than 1 metre
- (c) The dwellinghouse is on Article 2(3) land and the chimney, flue or soil and vent pipe will not be installed on a wall or roof slope which fronts a highway and forms the principle elevation or side elevation of the dwellinghouse

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

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: 16/07/2019

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

Name: D Campbell Position: DM Team Leader Date: 16.08.19