

OFFICERS REPORT

Application No: Y19/0732/FH

Location: 17 Roberts Road Greatstone New Romney Kent TN28 8RL

Proposal Lawful Development Certificate (proposed) for the erection of a single storey rear extension and alterations to existing fenestration

ASSESSMENT

Performance data:-

Date application valid: 21/06/2019

Applicable 8/13/16 week target date: 16/08/2019

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 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 modest detached, flat roofed bungalow on Roberts Road in Greatstone, the application building is finished in white painted render with uPVC fenestration under a flat roof, there is a front and rear amenity space and off road parking for two cars. There are no designations on the local policies map.

HISTORY

N/A

PROPOSAL

The applicant seeks a lawful development certificate (proposed) for the erection of a single storey rear extension, finished in materials to match the host dwelling. Internally the extension would provide for an open plan kitchen diner.

The proposed extension would measure approximately 5 metres in depth from the rear wall, 7.65 metres in width and 3.1 metres in height. The proposed extension would replace the existing rear conservatory.

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) The dwelling was built for the sole purpose of being used as a dwelling and no changes of use have taken place
- (b) The proposed works would not exceed 50% of the total area of curtilage of the dwellinghouse
- (c) The height of the proposed extension would not exceed the highest part of the roof of the existing dwellinghouse
- (d) The height of the eaves of the proposed extension would not exceed the height of the eaves of the existing dwellinghouse
- (e) The proposed extension would not extend beyond a wall which -
 - i. Forms the principle elevation of the original dwellinghouse
 - ii. Fronts a highway and forms a side elevation of the original dwellinghouse
- (f) The proposed extension would be single storey
 - i. The proposed extension would extend beyond the rear wall of the original dwellinghouse by more than 4 metres
 - ii. The proposed extension would not exceed 4 metres in height
- (g) The application site is not located within Article 2(3) land
- (h) NA - The proposed extension would not have more than single storey
- (i) The proposed extension would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves would not exceed 3 metres
- (j) the enlarged part of the dwellinghouse would not extend beyond a wall forming a side elevation of the original dwellinghouse
- (k) The proposed development does not consist of or include: the provision of a verandah, balcony or raised platform or the installation of a microwave antenna/chimney, flue or soil and vent pipe or any alteration to the roof of the original dwellinghouse

Part 1, Class A.2

NA - The application site is not within Article 2(3) land

Part 1, Class A.3

- (a) The materials used would be of similar appearance to those used in the construction of the exterior of the existing dwellinghouse
- (b) NA - there would be no upper floor windows
- (c) NA - the enlarged part of the dwellinghouse would not have more than a single storey

Part 1, Class A.4

NA

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

COMMENTS

The proposed rear extension does not constitute permitted development on the basis of point

F(i)

F(i) - The rear extension is 5m in length from a rear wall of the original dwellinghouse, to be permitted development the extension cannot exceed 4m. As such the proposal is unlawful.

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 that the proposed rear extension does not fall within permitted development and is contrary to Schedule 2, Part 1, Class A, Paragraph F

Case Officer:

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

Name: D Wilkins Position: Planning Officer Date: 03/09/2019

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

Name: D Campbell Position: DM Team Leader Date: 10.09.19