

OFFICERS REPORT

Application No: Y16/1340/SH
Location: 17 Bodenham Road Folkestone Kent CT20 2NU
Proposal Certificate of lawful development (proposed) for a single storey rear extension.

ASSESSMENT

Performance data:-

Date application valid: 08.12.2016

Applicable 8 week target date: 02.02.2016

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

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

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

SITE

The application site is a detached dwelling within the settlement of Folkestone which sits on a corner plot between Bodenham Road and Bathurst Road. The dwelling is a chalet style bungalow constructed of red brick.

HISTORY

Y16/0795/SH Certificate of lawful development (proposed) for a single storey rear extension (LDC issued)

Y06/1594/SH - Erection of an attached garage to side elevation. Approved with conditions

CH/3/57/183 - Erection of detached bungalow/garage. Approved

PROPOSAL

The application seeks the approval of a lawful development certificate for the erection of a single storey rear extension.

CONSULTATION RESPONSES

Not required

REPRESENTATIONS

Not required

PUBLICITY

Not required

RELEVANT POLICIES

Not applicable

The Law/Appraisal

Sections 191 and 192 of the 1990 Act provide for anyone (not just a person with a legal interest in the land) to apply to the local planning authority (LPA) for a lawful development certificate (LDC). A certificate is a statutory document certifying:

(1) in the case of an application under section 191, the lawfulness, for planning purposes, of existing operations on, or use of land, or some activity being carried out in breach of a planning condition; or

(2) in the case of an application under section 192, the lawfulness of proposed operations on, or use of land."

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

However the proposed extension does not meet the criteria of part (f) as the extension measures at about 4.67m high which exceeds to 4m height limit under (f)ii.

- "(f) The proposed extension would be single storey and would not -
 - i. Extend beyond the rear wall of the original dwellinghouse by more than 4 metres
 - ii. 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 not 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 proposed extension 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 (as confirmed by email correspondence with the agent received 02.09.2016)
- (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

RECOMMENDATION

In light of the above, it is considered that the proposal does not fall within permitted development rights as its height exceeds 4m in height. A Lawful Development Certificate cannot 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.

Name: W Simpson Position: Planner Date: 16.01.2017

Report and draft decision notice amended (if appropriate)

Name: Position: Date:

Senior Officer

Report not agreed. Details of further work required as follows:

Name: Position: Date:

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

Name: Position: Date: