

OFFICERS REPORT

Application No: Y17/0772/SH

Location: 9 Berkeley Close Folkestone Kent CT19 5NA

Proposal Certificate of lawful development (proposed) for the use of garage as ancillary living accommodation and replacement of garage door with window, together with loft conversion including the installation of front and rear rooflights.

ASSESSMENT

Performance data:-

Date application valid: 30.06.17

Applicable 8 week target date: 25.08.17

Planning Performance Agreement (PPA) or Planning Extension Agreement (PEA)? No

Is the application being determined after 26 weeks without a PPA or a PEA? No

SITE VISIT

Carried out site visit on 07.08.17.

The site and proposals were assessed from the public highway and the application site. The following key features were noted as set out in the report below.

SITE

The application site is located within the settlement boundary of Folkestone. The main building of the application site is a two storey semi-detached dwellinghouse with attached side garage.

HISTORY

There is no relevant planning history in relation to this application.

PROPOSAL

Certificate of lawful development (proposed) for the use of garage as ancillary living accommodation and replacement of garage door with window, together with loft conversion including the installation of front and rear rooflights.

CONSULTATION RESPONSES

Not required

REPRESENTATIONS

Not required

PUBLICITY

Not required

RELEVANT POLICIES

Not applicable

APPRAISAL

The proposed conversion of an attached garage to living accommodation is considered to constitute permitted development pursuant to Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) as long as:

- (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 for the site, there is no record of a condition restricting the use of the garage for its retention as parking. The proposed garage conversion does not involve the enlargement of the existing dwelling and the new window and brickwork to replace the existing garage door would be of a similar appearance to that used in the existing dwelling. The planning history for the site 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.

Turning to the proposed front and rear rooflight windows as part of the internal loft conversion, this operation can be considered to be permitted development if the works fall within Schedule 2, Part 1, Class C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). An assessment of the proposal against Class C is set out below:

Class C.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 alteration would not protrude more than 0.15 metres beyond the plane of the slope of the original roof
- (c) The highest part of the alteration would not be higher than the highest part of the original roof
- (d) It would not include:
 - i. The installation, alteration or replacement of a chimney, flue or soil and vent pipe or
 - ii. The installation, alteration or replacement of solar photovoltaic or solar thermal equipment

Class C.2

Not applicable - there would be no new windows on a side elevation.

In light of the above, the proposed front and rear rooflights are considered to benefit from permitted development rights under Schedule 2, Part 1, Class C.

CONCLUSION

It is considered that the proposal falls within the relevant permitted development rights as set out above and that a 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.

Case Officer: Alex Kalorkoti

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

Name: Alex Kalorkoti Position: Graduate Planning Officer Date: 21.08.17

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: Robert Allan Position: Major Projects Team Leader Date: 25/08/17