

Officer Report

Application No.	24/0076/FH
Site Address	The Wells, Burmarsh Road, Dymchurch, Romney Marsh, TN29 0JT
Officer Name	Danielle Wilkins
Proposal	Lawful development certificate (proposed) for extension to existing utility room

Recommendation

Report Number	RD-434053
Recommended Decision	Recommended to be Lawful
Recommendation Date	19 March 2024

Report

SITE

The application site on the east side of Burmarsh Road. The application site is occupied by contemporary single-storey dormer bungalow within a substantial plot. The dwelling benefits from a front facing gable feature and several dormer features. The surrounding area is predominately residential. It is acknowledged the neighbouring dwellings benefit from a varied dwelling design.

The application site is defined by the local plan as being situated within the Romney Marsh settlement area. There are no policy restrictions on the site.

HISTORY

22/1434/FH - Erection of single storey rear extension. Approved with conditions

Y17/1557/SH - Erection of a two-storey side extension, installation of dormer window to front elevation, provision of balcony to rear and demolition of existing garage. Approved with conditions

Y12/0423/SH - Erection of an annex and integral garage to side elevation with covered walkway to main house, following demolition of existing garage. Refused

Y10/0072/SH - Erection of a rear conservatory. Approved with conditions

Y13/0709/SH - Removal of existing garage and construction of a two-storey side extension to provide garage and additional living accommodation (resubmission of application Y12/0423/SH). Approved with conditions

PROPOSAL

The application seeks approval of a Lawful Development Certificate (proposed) for the erection of a single storey rear extension. The proposed extension would be pitched roofed, be finished in

materials to match the host dwelling, and measure approximately 3.6m in width, 1.4m in depth and 3.5m in height (2.5m to the eaves).

One no. window is proposed in the rear elevation.

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 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 2 metres of the boundary of the curtilage of the dwellinghouse.
- (j) The enlarged part of the dwellinghouse would not extend beyond a wall forming a side elevation of the original dwellinghouse,
- (ja) The total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) does not exceed the limits set out in sub-paragraphs (e) to (j)
- (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 must 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.

RECOMMENDATION

In light of the above, it is considered the proposal falls within permitted development and 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.

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.

Suggested Informatives (1)

1

From the information provided on submitted application form and drawings received on 17/01/2024, the proposed single storey rear extension would constitute permitted development by virtue of Schedule 2, Part 1, Class A of the Town and Country (General Permitted Development) (England) Order 2015.

