

Officer Report

Application No.	24/0175/FH
Site Address	53 Nursery Fields, Hythe, CT21 4DS
Officer Name	Danielle Wilkins
Proposal	Lawful Development Certificate (proposed) for the conversion of garage to habitable living space

Recommendation

Report Number	RD-434128
Recommended Decision	Recommended to be Lawful
Recommendation Date	26 March 2024

Report

SITE

The application building is a semi-detached chalet bungalow in the settlement of Hythe. The site is within an area of archaeological potential and an area with potential land instability.

The dwelling is finished in facing brickwork with uPVC fenestration and a plain tiled roof with two front dormer windows and one rear dormer window. There is an integrated garage and off-street parking for one car.

HISTORY

SH/75/434 – Details of 10 3 bedroom dwellings. Approved with conditions

SH/74/784 – Outline application for the erection of 40 3 bed houses. Approved with conditions

PROPOSAL

This application seeks a lawful development certificate (proposed) for the conversion of the attached garage to a habitable room. Exterior works would include the removal of the garage door and infilling with matching brickwork and one no. window.

CONSULTATION RESPONSES

Not required

REPRESENTATIONS

Not required

PUBLICITY

Not required

RELEVANT POLICIES

Class A, Part 1, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

APPRAISAL

The proposed garage conversion must meet the requirements of Class A, Part 1, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Schedule 2, Part 2, Class A - The enlargement, improvement or other alteration of a dwellinghouse.

A.1 Development is not permitted by Class A if-

(a) Permission to use the dwellinghouse as a dwellinghouse has been granted by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (changes of use); PASS

(b) as a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse); PASS

(c) The height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse; PASS

(d) The height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse; PASS

(e) The enlarged part of the dwellinghouse would extend beyond a wall which-

i. Forms the principle elevation of the original dwellinghouse; or PASS the garage conversion would not result in an extension to the front of the dwelling

ii. Fronts a highway and forms a side elevation of the original dwellinghouse; PASS

(f) subject to paragraph (g) the enlarged part of the dwellinghouse would have a single storey and -

i. extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse; or

ii. Exceed 4 metres in height;

N/A

(g) for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and -

i. extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse,

ii. or exceed 4 metres in height -

N/A - this application type has not been applied for

(h) the enlarged part of the dwellinghouse would have more than a single storey and—

i. extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or

ii. be within 7 metres of any boundary of the curtilage of the dwellinghouse being enlarged which is opposite the rear wall of that dwellinghouse;

N/A

(i) the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres; N/A

(j) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would—

i. exceed 4 metres in height,

- ii. have more than a single storey, or
 - iii have a width greater than half the width of the original dwellinghouse;
- N/A

(ja) any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in subparagraphs (e) to (j); PASS

(k) it would consist of or include—

- i. the construction or provision of a verandah, balcony or raised platform,
- ii. the installation, alteration or replacement of a microwave antenna,
- iii. the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or
- iv. an alteration to any part of the roof of the dwellinghouse.;

PASS

Part 1, Class A.2

A.2 In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if—

- (a) it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;
- (b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse;
- (c) the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse.
- (d) any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in subparagraphs (b) and (c).

N/A – the dwelling is not within Article 2(3) land

Part 1, Class A.3

Development is permitted by Class A subject to the following conditions—

- (a) the materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;
- (b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be—
 - i. obscure-glazed, and
 - ii. non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and
- (c) where the enlarged part of the dwellinghouse has more than a single storey, or forms an upper storey on an existing enlargement of the original dwellinghouse, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.

PASS – the materials proposed to the front elevation of the garage would match those found on the host dwelling

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

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.

Suggested Informatives (1)

1

From the information provided on submitted application form and drawing nos. AB2-01.03.2023 and AB4-01.03.2023 received on 07/02/2024, the proposed conversion of the garage and infilling of the garage door with matching brickwork and fenestration would constitute permitted development by virtue of Schedule 2, Part 1, Class A of the Town and Country (General Permitted Development) (England) Order 2015.