

APPLICATION PROPOSAL		Ref No 19/501064/LAWPRO
Lawful Development Certificate for proposed creation of internal door to combine No.42 (ground floor flat) and No. 44 (two storey dwelling) into one dwelling.		
ADDRESS 42 Westgate Road Faversham Kent ME13 8HE		
RECOMMENDATION - Application Permitted		
WARD Abbey	PARISH/TOWN COUNCIL Faversham Town	APPLICANT Mrs M Calpin AGENT Olson Design
DECISION DUE DATE 29/04/19		PUBLICITY EXPIRY DATE N/A

Relevant Planning History

19/500799/FULL

Change of use of existing ground floor flat to create additional living accommodation to existing two storey residential dwelling.

Withdrawn Decision Date: 21.02.2019

SW/86/1132

Conversion of shop to single bedroom self-contained flat

Approved Decision Date: 04.12.1986

DESCRIPTION OF SITE

The property externally presents what appears to be a single dwelling house. However, before 1986, one part of the property was a shop and the other a dwelling. In 1986, permission was granted to change the use of the shop to a C3 dwelling house, which was granted under planning reference SW/86/1132.

PROPOSAL

The proposal is to convert the now two properties to one. No external works are now envisaged.

PLANNING CONSTRAINTS

None

POLICY AND OTHER CONSIDERATIONS

The Town and Country Planning Act 1990 (as amended) – Section 55(2)

LOCAL REPRESENTATIONS

	COMMENTS RECEIVED	OFFICER RESPONSE
Town Council	- N/A	
Residential Objections	- N/A	
Residential Support	- N/A	

CONSULTATION RESPONSES

None

APPRAISAL

The key factor in determining this application is whether or not the proposal constitutes a material change of use or would involve any external alterations to the property.

Section 55 (2) of the TCPA 1990 states that:

'The following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land—

(a) the carrying out for the maintenance, improvement or other alteration of any building of works which—

(i) affect only the interior of the building, or

(ii) do not materially affect the external appearance of the building,

and are not works for making good war damage or works begun after 5th December 1968 for the alteration of a building by providing additional space in it underground'

As noted above, the changes made to the property would be internal only, and I am of the opinion that the proposal to combine two properties already in the same Use Class into one property in the same Use Class would not create a material change to the building, especially as there is no local policy which aims to restrict such conversions. The building has lawful C3 use already, and the amalgamation of two units to form one would make no difference to that use whatsoever, and it would produce no effect at all.

I therefore recommend that a Lawful Development Certificate be issued.

RECOMMENDATION – Lawful Development Certificate granted for the following reason:

REASON

- (1) The conversion of these two properties from two separate properties in use as dwellinghouses (within Use Class C3) into one dwellinghouse (Use Class C3) would only involve internal alterations to the building which do not fall within the definition of development by virtue of section 55(2) of the Town and Country Planning Act 1990 (as amended) and would not constitute a material change of use of the property as a whole.

Case Officer Andrew Spiers

Case Officer Sign: A J Spiers	Date: 22/03/2019
Delegated Authority Sign: G Thomas	Date: 25/03/2019
PRINT NAME:	
TL/DM Countersign:	Date: