
Delegated report Officer: Richard Rodgers

Application ref. DMPN/2021/0968

Certificate of Lawfulness for proposed conversion and extension to existing garage at 26 Clyde Street, Hilton, Derby, DE65 5ND

Valid date: 14/06/2021

Consults expired: 06/07/2021

EIA development? No

Section 106 agreement? Not required

This decision is delegated to officers under the terms of the current Scheme of Delegation.

Relevant planning history

2002/1145 - 272 houses and 95 apartments - approved January 2003. Condition 6 of said permission requires 2 parking spaces to be provided/available at all times for parking. Having visited the site during the course of this application, the drive has been altered here to accommodate 2 cars hence the integral garage space can be sacrificed, as is proposed here.

Responses to consultations and publicity

No comments received.

Relevant policy, guidance and/or legislation

Relevant Legislation:

- Section 192 of the Town and Country Planning Act 1990
- Schedule 2 Part 1 Class A of the General Permitted Development Order 2015 (GPDO)

National Guidance:

- National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

- Permitted development rights for householders Technical Guidance (September 2019)

Planning considerations

This application falls to be considered under Section 192 of the 1990 Act in that the development is claimed to be lawful by way of it not requiring express planning permission from the Local Planning Authority (LPA). The LPA needs to consider whether, on the facts of the case and relevant planning law, the specific matter is or would be lawful. Planning merits are not relevant at any stage. Whilst the onus is on the applicant to provide sufficiently precise and unambiguous evidence to justify the grant of a certificate, on the balance of probability, the Planning Practice Guidance (PPG) also states that if a LPA has no evidence itself, nor any from others, to contradict the applicant's case or make it less than probable, there is no good reason to refuse the application.

Planning assessment

This is a end-terrace town house situation, with its permitted development rights intact (see relevant history in regards garage use). The GPDO thereafter allows for extensions or alteration, provided certain criteria are met. Here the alterations would be within the permitted sizes or generally matching materials thereafter. The use of the garage away from its parking use has been offset by way of creation of a compensatory space on the drive whilst any other changes do not extend the house

closer to the road or vary away from using matching materials. and such, on the balance of probability, the development is considered to be lawful.

Recommendation

Approve

None of the other matters raised through the publicity and consultation process amount to material considerations outweighing the assessment of the main issues set out above, noting that conditions or obligations have been attached where meeting the tests for their imposition. Where relevant, regard has been had to the public sector equality duty, as required by section 149 of the Equality Act 2010 and to local finance considerations (as far as it is material), as required by section 70(2) of the Town and Country Planning Act 1990 (as amended), as well as climate change, human rights and other international legislation.

Recommendation made:	12/11/2021
Report agreed:	12/11/2021
Authorised officer:	Steffan Saunders
