HUNTINGDONSHIRE DISTRICT COUNCIL

24/02335/CLPD

OFFICER REPORT

Case No: **24/02335/CLPD** **Certificate of Lawfulness proposed**

Proposal: **Garage conversion into a kitchen for commerical baking**

Location: **46 Russett Avenue Needingworth St Ives**

Applicant: **Mrs Cathy Harradine**

Grid Ref: **534286 271591**

DESCRIPTION OF SITE AND APPLICATION

The application site at 46 Russett Avenue is occupied by a semi-detached bungalow located to the south of the village of Needingworth. There are no constraints relative to the site.

A Certificate of Lawful (Proposed) Development is sought for the conversion of the existing garage into a kitchen for commercial baking.

While the permitted development rights of the property have not been removed, in order for the proposed development to be considered, the criteria outlined in Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) must be met and this is assessed below.

Additionally, there are no previous conditions that state the existing garage must be retained for parking and therefore the change of use is acceptable providing that the proposed development meets the criteria outlined below.

Taking into account the proposed development, officers have concluded that this would not constitute a material change of use as the scale and type of use of the kitchen as commercial baking would be considered as ancillary to the main residential dwelling, and would not result in a mixed-use planning unit. This is supported by the submitted application form stating that the kitchen shall be used only 1 to 3 times per week by a single occupant of the main dwelling, and no sales shall be made from the property, with sales taking place online and at market only.

NATIONAL GUIDANCE

The Town and Country Planning Act 1990

The Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended)

RELEVANT PLANNING HISTORY

9300426FUL - Erection of 21 dwellings and garages - Land off Russett Avenue, Needingworth (Permission)

CONSULTATIONS

No consultations - Certificate of lawful permitted development

REPRESENTATIONS

Needingworth Parish Council - Support the application, would like the LPA to consider a condition to not permit sales from this address as it is in a residential area.

Officer Comments: Due to the nature of the application the LPA are unable to condition this, however it is noted in the submitted Application Form that sales are made online and at market only. The LPA will also make it clear that this determination is made at a 'point in time', and any changes such as intensification to services would require further consideration.

PLANNING ASSESSMENT

* Development within the curtilage of a dwellinghouse

Schedule 2 - Part 1 - Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended) permits the enlargement, improvement or other alteration of a dwellinghouse, subject to certain criteria set out within the Order. The proposed garage conversion as indicated on plans "Proposed Garage Plans (NE146/02)" would be permitted as it falls within the definition and because the following additional tests are satisfied:

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

Officer Assessment: Compliant

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);

Officer Assessment: Compliant

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;

Officer Assessment: Compliant

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;

Officer Assessment: Compliant

e) the enlarged part of the dwellinghouse would extend beyond a wall which—
i. forms the principal elevation of the original dwellinghouse; or
ii. fronts a highway and forms a side elevation of the original dwellinghouse;

Officer Assessment: Compliant

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;

Officer Assessment: Compliant

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, or
ii. exceed 4 metres in height;

Officer Assessment: Compliant

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,
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;

Officer Assessment: Not applicable.

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;

Officer Assessment: Compliant

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;

Officer Assessment: Compliant

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 sub-paragraphs (e) to (j);

Officer Assessment: Compliant

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,
iv. an alteration to any part of the roof of the dwellinghouse

Officer Assessment: Compliant

l) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).

Officer Assessment: Compliant

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; or

(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 sub-paragraphs (b) and (c).

Officer Assessment: Compliant. The dwellinghouse is not on article 2(3) land.

* Proposed Use of Garage

Whilst the assessment above covers the external changes, officers have also given regard to the proposed use of the converted garage. Internal works do not require planning permission and so the determination relates to if the proposed use would be considered as a material change of use constituting operational development within the meaning of Section 55 of the Town and Country Planning Act 1990. In this instance, and based upon the detail provided, officers are satisfied that this would not result in a material change of use at this time and no planning permission would be required. It should be noted that this decision is made at a point in time and any future changes or intensification could result in a change to this view, as such advice should be sought from the LPA should any future changes be required.

A.3 - 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;

Officer Assessment: Compliant. The Proposed Garage Plans NE146/02 highlight the materials to be used in exterior work match those of the existing dwelling. A condition shall be attached to ensure this is the case.

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

Officer Assessment: Compliant

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.

Officer Assessment: Compliant

CONCLUSION

The proposed garage conversion as shown in plans "Proposed Garage Plans (NE146/02)" accords with the criteria and conditions set out in Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The development is considered to be permitted development and is therefore granted planning permission by virtue of Article 3 of this Order. An application for planning permission is not required.

The proposed use would not result in a material change of use and would not be considered operational development under Section 55 of the Town and Country Planning Act 1990.

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CONTACT OFFICER:
Enquiries about this report to **Josh France**