Recommendation Report for Lawful Development Certificate for a Proposed Use or Development

REF NO: **AB/121/17/CLP**

LOCATION: 49 Fitzalan Road
Arundel

PROPOSAL: Application for a Lawful Certificate for proposed use - removal of existing conservatory & replacement with single storey extension & associated works

DESCRIPTION OF APPLICATION

The application seeks a Certificate of Lawfulness for a proposed single storey rear extension measuring approximately 1.83m in depth, 4.472m in width, with an eaves height of 2.6m and a maximum ridge height of 4m.

DESCRIPTION OF SITE AND SURROUNDINGS

The site is occupied by a semi-detached bungalow constructed from brick and render with a tiled roof. The character of the locality is residential and features properties of various designs and styles.

RELEVANT SITE HISTORY

None.

REPRESENTATIONS

Representations received:

None received.

Comments on Representations received:

N/A

CONSULTATIONS

Consultations responses received:

None received.

Comments on Consultation responses:

N/A

LEGISLATIVE BACKGROUND

Section 192(2) of the Town and Country Planning Act 1990 states:-

If, on an application under this section, the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect; and in any other case they shall refuse the application.

In this instance the proposed works will be assessed against the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2015 (as amended), Schedule 2, Part 1, Class A, which pertains to the enlargement, improvement, or other alterations to a dwellinghouse.

Provided the proposed works satisfy the relevant criteria, and that no restrictive conditions to development have been imposed on the site, the proposed works will constitute Permitted Development and would not require planning permission. If the works fail to accord with the criteria then planning permission will be required for them to take place.

CONCLUSIONS

The proposed single storey side extension is considered to fall under Schedule 2 Part 1 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015.

"A.1 Development is not permitted by Class A if:

(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M.N,P or Q of Part 3 of this schedule (changes of use):

(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):

(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;

(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;

(e) the enlarged part of the dwellinghouse would extend beyond a wall which
(i) fronts a highway, and
(ii) forms either the principle elevation or a side elevation of the original dwellinghouse;

(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;

(g) until 30th May 2019, 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 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;

(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 opposite the rear wall

of the dwellinghouse;

(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.

(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 one storey, or
(iii) have a width greater than half the width of the original dwellinghouse; or

(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

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 one storey and extend beyond the rear wall of the original dwellinghouse.

A.3 Development is permitted by Class A subject to the following conditions
(a) the materials used in any exterior work (other than the materials used in the construction of a conservatory) shall 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 1.7M above the floor of the room in which the window is installed; and
(c) where the enlarged part of the dwellinghouse has more than one storey, the roof pitch of the enlarged part shall, so far as practicable, be the same as the roof pitch of the original dwellinghouse."

The property known as 49 Fitzalan Road, Arundel is a detached property and is not a Listed Building or situated within a Conservation Area. The proposed extension is intended to be constructed from materials which match in appearance those of the existing dwellinghouse.

The proposed single storey side extension is considered to comply with all relevant sections of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) and is considered to be "Permitted Development", and as such does not require the submission of an application for full planning permission.

RECOMMENDATION

AB/121/17/CLP

PP NOT REQUIRED

The Arun District Council hereby certify that on 14.09.2017 the development described in the First Schedule to this certificate in respect of the land specified in the Second Schedule to this certificate and edged in black on the plan attached to this certificate, would have been lawful within the meaning of section 192 of the Town & Country Planning Act 1990 for the following reasons;

· The proposed development accords with the limitations of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

FIRST SCHEDULE
The construction of a single storey rear extension in accordance with the limitations of Schedule 2, Part 1, Class A of The Town and Country Planning (General Permitted Development) Order 2015 (as amended) as detailed on the submitted drawings;

· Block Plan as Proposed - 02.01
· Floor Plans and Elevations as Proposed - 02.02

SECOND SCHEDULE
49 Fitzalan Road, Arundel, BN18 9JP

EXTENT OF USE
The construction of a single storey rear extension measuring approximately 1.83m in depth, 4.472m in width, with an eaves height of 2.6m and a maximum ridge height of 4m.

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