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

REF NO: **AB/84/15/CLP**

LOCATION: 18 Dalloway Road
Arundel

PROPOSAL: Lawful development certificate for a proposed single storey side extension, 2 sliding-folding doors to rear, & external insulation with white render finish to existing building

DESCRIPTION OF APPLICATION

The application seeks a lawful development certificate for a proposed single storey side extension, proposed sliding-folding doors to the rear and the rendering of the existing building.

DESCRIPTION OF SITE AND SURROUNDINGS

The application property is a detached two storey dwelling with render at ground floor level and tile hanging at first floor level and a brown tiled roof with integrated garage located on the south-western elevation of the property. The property is located in a residential area which consists of properties of a similar design and style.

RELEVANT SITE HISTORY

Planning permission was granted for the dwelling with integrated garage under reference TR/4/65, with the single storey element of the rear extension being constructed in 1985 and a subsequent application being made for the addition of the first floor element under reference AB/25/07/.

REPRESENTATIONS

Representations received:

None.

Comments on Representations received:

N/A

CONSULTATIONS

Consultations responses received:

None.

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 2 criteria contained within The Town and Country Planning (General Permitted Development) Order 2015, 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 application describes the proposed extension as a "single storey side" extension. However, the proposal cannot be considered as a single storey side extension as it does not extend to the side of the original dwellinghouse. Therefore, it is in fact a single storey rear extension and the proposal will be considered against the criteria contained under Schedule 2, Part 1, Class A of The Town and Country Planning (General Permitted Development) Order 2015 which states;

"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 1.7 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 proposed single storey rear extension will extend 4 metres from the rear of the original dwellinghouse with an eaves height of 2.2 metres and a maximum ridge height of 2.8 metres. Therefore, this aspect of the proposal is deemed to be in accordance with sections (a), (b), (c), (d), (f)(i) & (ii), (h), (i) and A.3(a).

The proposed rendering of the property is considered to be in accordance with A.3(a) as the materials used will be similar in appearance to those already present at ground floor level on the primary elevation of the property.

The addition of the two sliding-folding doors on the rear elevation of the property are considered to be an alteration and as such are in accordance with the limitations imposed under Schedule 2, Part 1, Class A.

RECOMMENDATION

PP NOT REQUIRED

The Arun District Council hereby certify that on 29.06.2015 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 single storey rear extension is considered to be in accordance with the limitations of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 2015.
· The proposed rendering of the property is considered to be in accordance with the limitations of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 2015.
· The proposed addition of 2 No. sliding-folding doors on the rear elevation at ground floor level is in accordance with the limitations of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 2015.

FIRST SCHEDULE
The development shall consist of a single storey rear extension, rendering of the property and the addition of 2No. sliding folding doors as detailed on the submitted drawings;

·Site Plan - 1559 GA PA 1002
·Proposed Site Plan/Block Plan - 1559 GA PA 2002
·Proposed Ground Floor Plan - 1559 GA PA 2100 A
·Proposed First Floor Plan - 1559 GA PA 2101 A
·Proposed Front Elevation - 1559 GA PA 2103 A
·Proposed Rear Elevation - 1559 GA PA 2104 A
·Proposed north-East Elevation - 1559 GA PA 2106 A
·Proposed south-west Elevation - 1559 GA PA 2105 A
·Proposed Roof Plan - 1559 GA PA 2102 A

SECOND SCHEDULE
18 Dalloway Road, Arundel, West Sussex, BN18 9HW

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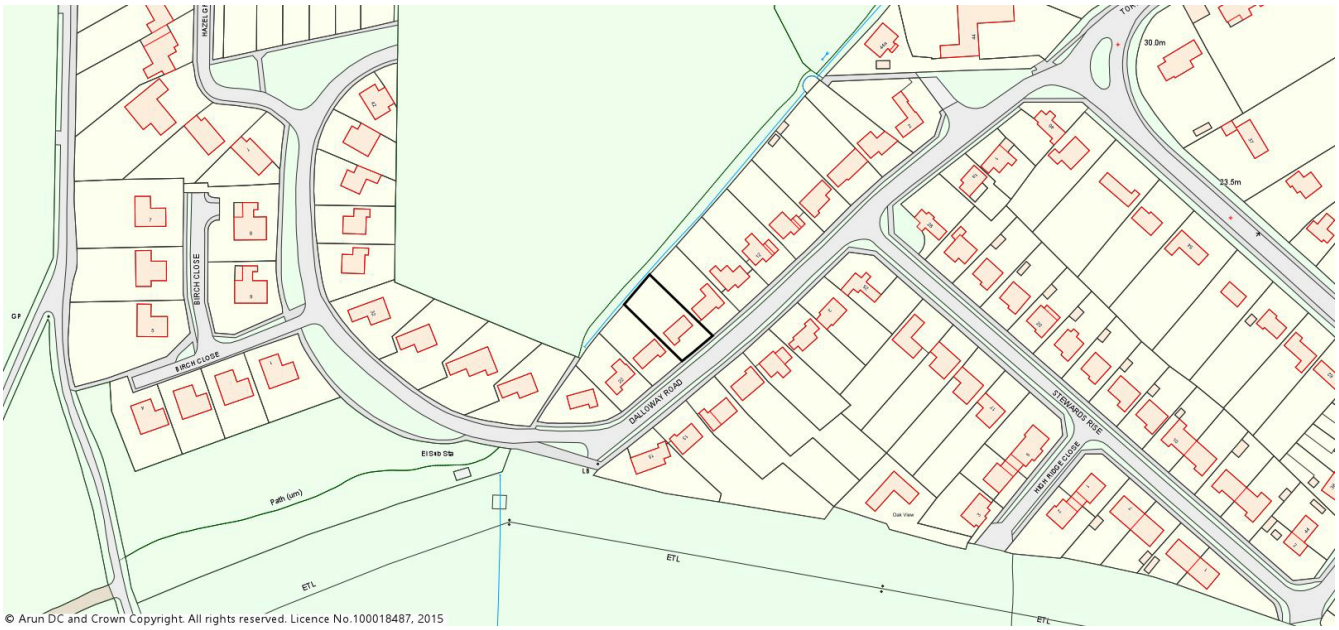
EXTENT OF USE

Single storey rear extension projecting a maximum of 4 metres from the rear wall of the original dwelling house, with a maximum height of 2.8 metres; the rendering of the property in materials similar in appearance to those of the original dwellinghouse; and the addition of 2 No. sliding-folding doors on the rear elevation at ground floor level.



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