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

REF NO: **AW/128/23/CLP**

LOCATION: 5 Aigburth Avenue
Aldwick
PO21 3DA

PROPOSAL: Lawful development certificate for the proposed construction of a 2.4m x 4.8m single skin flat roof single storey garage.

DESCRIPTION OF APPLICATION

The applications seeks a Lawful Development Certificate for the construction of a single storey side extension, for use as a garage. The extension is to be 4.8m deep x 2.35 wide x 2.55m high at its largest points.

RELEVANT SITE HISTORY

REPRESENTATIONS

Representations Received:

CONSULTATIONS

Consultations Responses Received:

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 side extension will be assessed against the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

- Class A, which pertains to the enlargement, improvement, or other alterations to a dwellinghouse.

Provided the works satisfy the relevant criteria, and that no restrictive conditions to development have been imposed on the site, the 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.

CONCLUSION

The 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 (as amended).

Class A - Enlargement, improvement, or other alterations to a dwellinghouse.

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 G, M, MA, N, P, PA 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) forms the principal elevation of the original dwellinghouse; or
(ii) fronts a highway and forms 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) 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;

(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 being enlarged which is opposite the rear wall of that 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 a single storey, or
(iii) have a width greater than half the width of the original dwellinghouse;

(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);

(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. ; or

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

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).

Conditions
A.3 Development is permitted by Class A subject to the following 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;
(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 1.7metres above the floor of the room in which the window is installed; and
(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.

The property known as 5 Aigburth Avenue is a detached property and is not listed or within a conservation area.

Examination of the site history has revealed no restrictions of permitted development at the property.

The external materials would be similar in appearance to the existing external materials of the property.

The single storey side extension complies with relevant section A.1(d)(e)(i)(j) and A.3(a) of the Town and Country Planning (General Permitted Development) (England) Order 2015 and is considered permitted development.

RECOMMENDATION

PP NOT REQUIRED

The Arun District Council hereby certify that on 5th June 2023 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, was lawful within the meaning of section 192 of the Town & Country Planning Act 1990 by reason of compliance with the relevant criteria within Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015.

FIRST SCHEDULE
The proposed single storey side extension is considered to fall under Schedule 2, Part 1, Class A of the GDPO. This decisions relates to the following submitted plans:

- **Location Plan**
- **Block Plan**
- **Proposed Layout 01.2305.2**
- **Proposed Elevations 01.2305.3**
- **Proposed Site Layout 01.2305.4**

SECOND SCHEDULE
5 Aigburth Avenue, Aldwick, PO21 3DA

EXTENT OF USE
The construction of a single storey side extension, for use as a garage.

AW/128/23/CLP - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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