

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

REF NO: AW/205/20/CLP

LOCATION: 36 Carlton Avenue
Aldwick
PO21 3LR

PROPOSAL: Lawful development certificate for the proposed demolition of existing garage and conservatory and replace with new rear extension.

DESCRIPTION OF APPLICATION

The application seeks a certificate of lawfulness for a rear extension.

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 works 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 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.

CONCLUSION

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

Development not permitted

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, 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 1.7 metres 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 36 Carlton Avenue is a detached property and is not listed or located within a Conservation Area.

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

Whilst the proposal complies with the criteria, as part of (g) the larger single-storey extensions, extending beyond the rear of the original house by more than 4m and less than 8m if a detached house, are subject to a neighbour consultation scheme to assess the impact of the proposed development on the amenity of their property. The requirements of the neighbour consultation scheme are set out in paragraph A.4 of

Class A.

Householders wishing to build a larger extension have to notify the local planning authority about the proposed extension and the local planning authority must give adjoining neighbours notice of the proposals and the opportunity to object. Works cannot commence until the local planning authority notifies the householder that no prior approval is required, or gives prior approval, or 42 days have passed without any decision by the local planning authority.

This needs to be completed on an application for a larger homes extension which allows for the neighbouring properties to be notified.

RECOMMENDATION

REFUSE

The Arun District Council hereby certify that on 11th August 2020 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 not lawful within the meaning of section 192 of the Town & Country Planning Act 1990 for the following reasons of

- The proposed development conflicts with Schedule 2, Part 1, Class A (g) of the Town and Country Planning (General Permitted Development) (England) Order 2015 in that it extends beyond the rear wall of the original dwellinghouse by 5.25m metres and no neighbourhood consultation scheme has taken place.

FIRST SCHEDULE

The proposed extension would fall under Schedule 2 Part 1 of the GDPO.

The development is shown on the plans listed below

- Location Plan - 1 A**
- Existing and Proposed Floor Plan**
- Existing and Proposed Block Plan**
- Proposed Elevations**

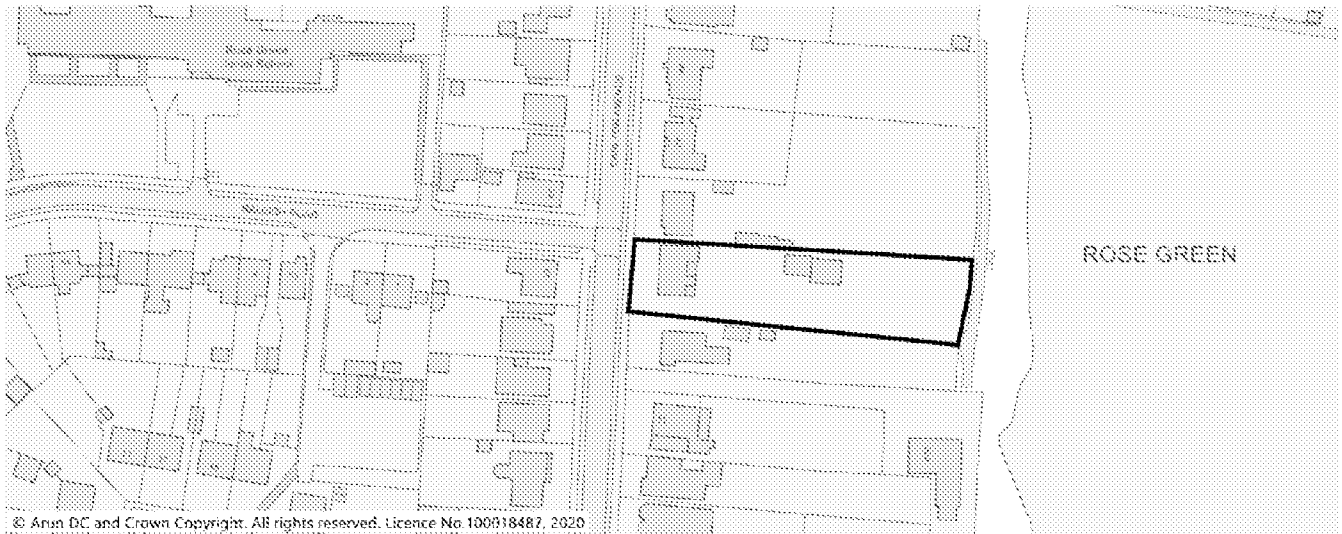
SECOND SCHEDULE

36 Carlton Avenue, Aldwick, West Sussex, PO21 3LR

EXTENT OF USE

Construction of a single storey rear extension with materials to match existing.

AW/205/20/CLP - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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