

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

REF NO: **AW/211/13/CLP**

LOCATION: Craig Lea
 1 Canons Close
 Aldwick

PROPOSAL: Application for a Lawful Development Certificate for a proposed infill extension to the rear; remove the existing flat roof that is in situ on this section of the property and replace with a pitch roof no higher than the other pitches on the property.

DESCRIPTION OF APPLICATION

As above, the infill extension would measure 2.7 metres in depth x 12.4 metres in width with a ridge height of 4.6 metres, 400mm below the highest part of the existing roof.

DESCRIPTION OF SITE AND SURROUNDINGS

Detached single storey dwelling. Located within a private residential road, mix of property types.

RELEVANT SITE HISTORY

AW/15/06/	Ground floor lounge extension.	ApproveConditionally 06-03-2006
AW/99/08/	Front, side and rear single storey extensions	ApproveConditionally 23-07-2008

REPRESENTATIONS

Representations received:

None

Comments on Representations received:

None

CONSULTATIONS

Planning Solicitor

Consultations responses received:

N/A

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) (Amendment) (No. 2) (England) Order 2008, 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 proposal seeks permission for a single storey rear infill extension and replacement roof over part of the flat roof section existing to the rear of the property and the proposed extension.

As stated above, for an extension to be considered as permitted development it must comply with Part 1, Class A of The Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008.

Criteria A.1 (a) - (i) are relevant in the determination of this application, the proposal is considered to conflict with the following criteria:

- (e) 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;

The proposed extension results in an overall ridge height of 4.6 metres, therefore given that the replacement roof forms part of a rear extension, criteria (e) (ii) states that any extension should not exceed an overall height of 4 metres. As such the proposed extension cannot be considered as permitted development.

RECOMMENDATION

PP REQUIRED

REASONS FOR REFUSAL OR INFORMATIVE(S)

- 1 The proposed extension would not constitute "Permitted Development" of the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England)

Order 2008 under Schedule 2 Part 1 Class A.1

Section (e) 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.

It would fail under Section (e)(ii) in that the extension exceeds 4 metres in height.

Planning Permission is therefore required.