

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

REF NO: AW/83/18/CLP

LOCATION: 16 Robins Drive
Aldwick

PROPOSAL: Lawful development certificate for a proposed attached storage area/shed to side elevation.

DESCRIPTION OF APPLICATION

The proposal is to construct a single storey flat roofed garage extension to the side of the property 2.9 metres in height, 3.1 metres in width and 6.5 metres in length, projecting 70 cms in front of the front elevation of the dwelling house. The proposed garage/storage shed is proposed to be constructed using cedar lap weatherboard as a facing material.

It is noted that the proposed building is described as a storage shed with a garage door however it is attached to the dwellinghouse and will therefore be considered as an extension.

DESCRIPTION OF SITE AND SURROUNDINGS

A detached bungalow with rooms in the roof with a pantile roof, facing hanging tiles at first floor level with red facing bricks at ground floor level. The property is located in a residential area of similar but bespoke designed detached and semi detached properties.

RELEVANT SITE HISTORY

AW/248/02/	Alteration and extensions	ApproveConditionally 31-01-2003
BR/192/52	Detached house & garage	Approve 28-11-1952

No conditions removing permitted development rights on previous planning permissions.

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 the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (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.

CONCLUSIONS

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 (as amended).

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) 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) 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 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 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 a single 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 a single 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 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, 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 16 Robins Drive is not a listed building or within a Conservation Area. There are no conditions applied to previous planning permissions at the property which would restrict permitted development rights at the property.

The proposed garage/storage room extension fails to comply with criteria e) of Class A in that the proposal would project by 70 cm in front of the principal elevation of the dwelling house and in addition the proposal would fail to comply with Class A3 (a) in that the facing materials of the proposed garage/store room extension would not be of a similar appearance to the main dwelling house.

The proposed single storey side garage/store room extension is therefore not considered to accord with the limitations of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and not considered to be 'permitted development',

The proposal therefore requires an application for planning permission should the applicant's wish to proceed with the scheme.

RECOMMENDATION

PP REQUIRED

The Arun District Council hereby certify that on 19-03-2018, the proposed garage/store extension 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 not have been lawful within the meaning of section 192 of the Town & Country Planning Act 1990 for the following reason:-

The proposed structure does not comply with the limitations of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) because fails to comply with part e) and Class A3 a) as it would project 70 centimetres in front of the principal elevation of the dwellinghouse and would not be constructed of materials similar in appearance to those of the original dwellinghouse.

FIRST SCHEDULE

The development proposed is a single storey garage/store room extension to the side of the dwellinghouse with a flat roof as shown on the submitted drawings;

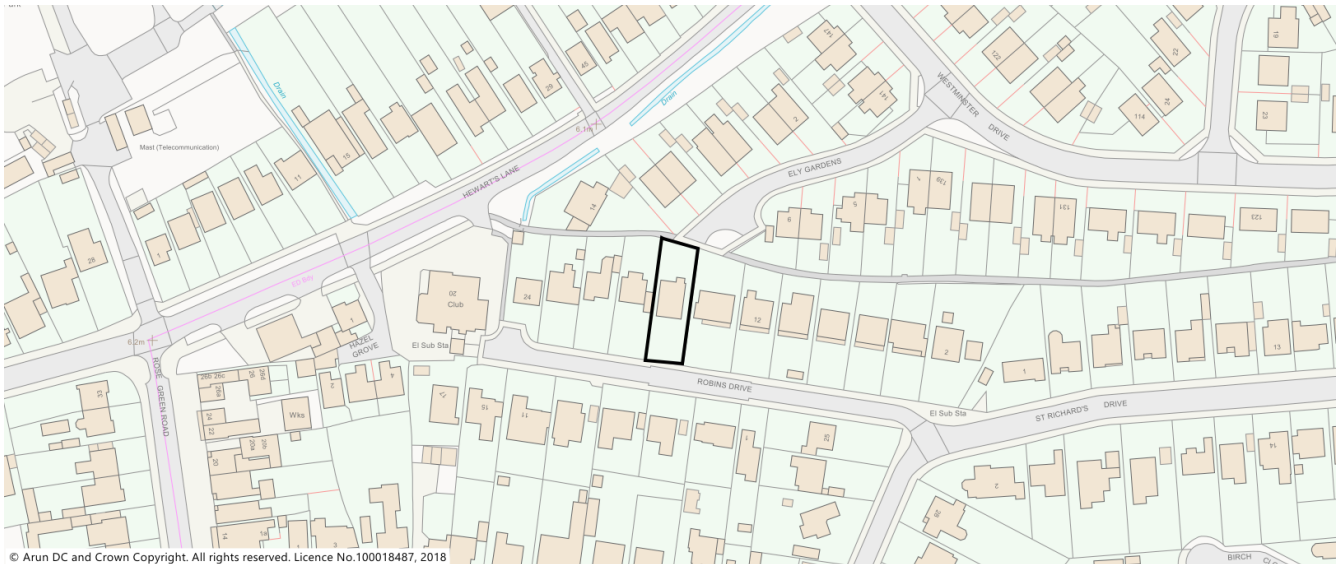
Ground floor plan and front elevations (proposed) received on 18/03/2018.

SECOND SCHEDULE

16 Robins Drive, Aldwick, West Sussex, PO21 3BL.

EXTENT OF USE

The proposal is to construct a single storey flat roofed garage extension to the side of the property 6.5 metres in length projecting 70 cms in front of the front elevation of the dwelling house. The proposed garage/storage shed is proposed to be constructed using cedar lap weatherboard as a facing material.



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