

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

REF NO: **AW/93/21/CLP**

LOCATION: 35 Willowhale Avenue
Aldwick
PO21 4BG

PROPOSAL: Lawful development certificate for the proposed replacement of UPVC conservatory with a similar but larger version,
replacement of all UPVC windows with similar, concrete rendering to all four brick elevations & construction of pitched/ponded roof over previous flat-roof extension.

DESCRIPTION OF APPLICATION

The application seeks consent for a replacement rear conservatory which will increase in depth by around 1.3m, a replacement roof with increased height to an existing front addition, rendering of existing walls and replacement windows.

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 replacement single storey conservatory, replacement roof and materials is considered to fall under Schedule 2 Part 1 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015.

The enlargement, improvement or other alteration of a dwellinghouse.

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 35 Willowhale Avenue is a detached property and is not listed or within a conservation area.

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

The replacement conservatory complies with relevant sections and is considered permitted development and as such does not require the submission of an application for full planning permission.

The external render and replacement windows are considered to comply with requirements and not require the submission of an application for full planning permission.

The replacement roof to the front addition is considered to conflict with e(i) in that the enlarged part of the dwellinghouse would extend beyond a wall which forms the principal elevation of the original dwellinghouse.

The flat roofed structure to the front of the property is not an original addition. The raising of the height of the roof would result in an enlarged part of the dwelling which extends beyond the principal elevation of the original dwellinghouse and therefore not comply with the criteria.

RECOMMENDATION

PP REQUIRED

The Arun District Council hereby certify that on 19/3/21 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.

- The proposed development (replacement roof to the front) conflicts with Schedule 2, Part 1, Class A e(i) of the Town and Country Planning (General Permitted Development) (England) Order 2015 in that the enlarged part of the dwellinghouse would extend beyond a wall which forms the principal elevation of the original dwellinghouse.

FIRST SCHEDULE

The development is not considered to fall under Schedule 2 Part 1, Class A by virtue of A(e)(i) of the GDPO.

The development is demonstrated on the following plans

- Existing and Proposed Floor Plan**
- Details of render**
- Roof plan**

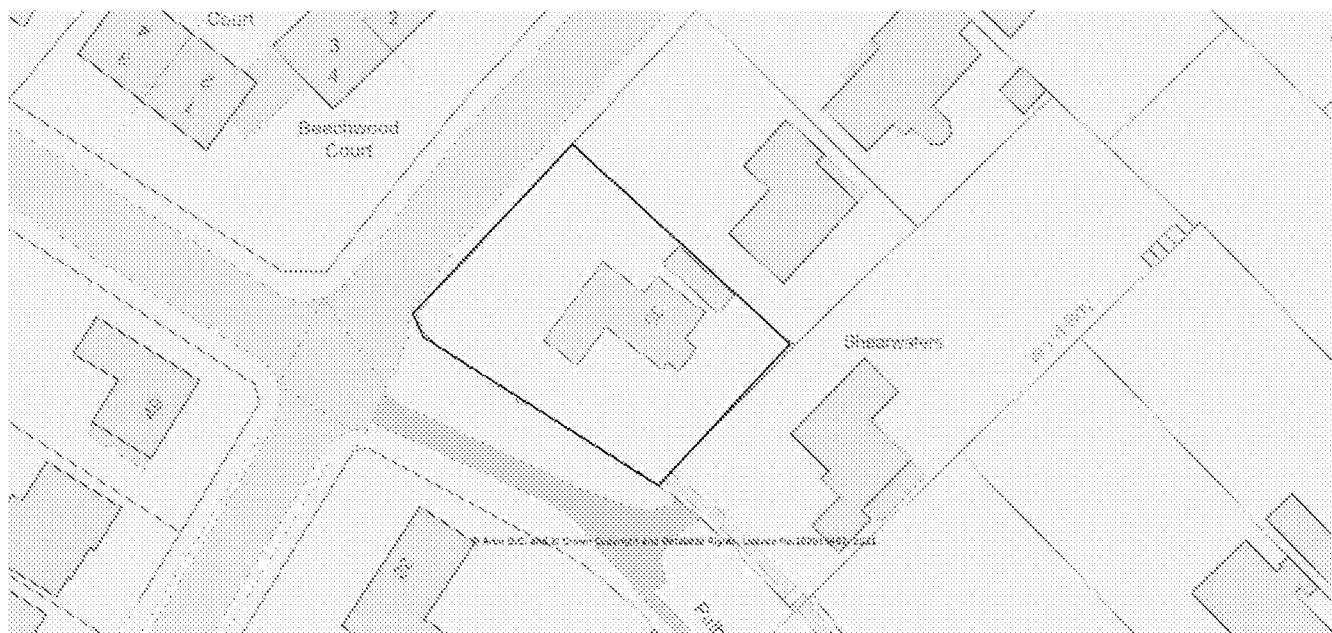
SECOND SCHEDULE

35 Willowhale Avenue, Aldwick, West Sussex, PO21 4BG

EXTENT OF USE

Construction of replacement single storey conservatory, replacement roof and increased height to a roof addition, render and replacement windows.

AW/93/21/CLP - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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