

CERTIFICATE OF LAWFUL PROPOSED DEVELOPMENT REPORT**REF NO:** A/16/08/CLP**LOCATION:** 26 Oakwood Drive
Angmering**PROPOSAL:** Certificate of Lawfulness for Proposed Use or Development - Single storey rear extension.**SITE AND SURROUNDINGS****DESCRIPTION OF APPLICATION**

As above. The proposed extension will be approximately 3.8 metres in length by approximately 2.9 metres in width and will reach a height of approximately 3.2 metres to the roof ridge.

SITE AREA

Approximately 210 square metres.

RESIDENTIAL DEVELOPMENT DENSITY

N/A

TOPOGRAPHY

Predominantly flat

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

The front of the property faces onto the street. The northern boundary at the far end of the site is marked by an elevation wall of a detached, hipped roof garage block. The east and west boundaries have approximately 1.8 metre high close boarded timber fencing.

SITE CHARACTERISTICS

The site is occupied by a detached two storey dwelling which has red brick elevations and a tiled gable roof.

CHARACTER OF LOCALITY

The site is located on a residential area which is characterised predominately by two storey dwellings of varying designs

RELEVANT SITE HISTORY**Reference****Description****Decision**

Planning Application A/124/95.

Description. Outline application comprising residential development of 27.36 hectares, including the provision of social housing. Commercial development of 3.26 hectares, public open space, site for primary school, and inclusion of 0.2 hectares of serviced land for community centre.

Proposed diversion of existing public rights of way & provision of new pedestrian/cycle ways.

Highway improvements to Roundstone Lane. (Departure from the Development Plan and affects a Public Right of Way.

Decision: Approved Conditionally 04-07-2000

Planning Application A/98/00.

Description. Approval of reserved matters application for erection of 598 dwellings (88 units social housing, 510 private sale housing), provision for open space, landscaping and access. This application affects a Public Right of Way

Decision. Approved Conditionally 15-02-2001

REPRESENTATIONS

Representations received:

Angmering Parish Council

Angmering Parish Council:

Objection on the grounds of Policy DEV19 of the Local Plan as having an adverse overshadowing and overbearing effect on the originally designed patio area of the neighbouring property

4 letters of objection:

Access to rear is allowed and not restricted. The upkeep being responsibility of all owners bounding this access road and there is no extra visitor parking

There will be disruption during construction. Lack of room for contractors parking and delivery lorries

Damage to surrounding properties and road surface

Precedent

Believe that permitted development rights were removed for the Bramley Green development

Application should be refused and require a full planning application

Contrary to Local Plan Policy DEV19

Adjoining and existing properties have small gardens and extension will overpower and cause overshadowing onto neighbouring property and would be an overdevelopment of the site

Will contravene existing covenants on properties

Comments on Representations received:

There are no policies that apply to a CLP as the decision is based on fact not merit and will be judged in accordance with the Town and Country Planning (General Permitted Development) Order 1995

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

Comments noted

DEVELOPMENT PLAN AND/OR 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.“

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

In order to be classed as Permitted Development the proposed works must reach a number of criteria set out in the Town and Country Planning (General Permitted Development) Order. The nature of the proposal will be assessed against these criteria in the paragraphs below.

The site is occupied by a detached 2 storey dwelling. The proposed development will involve a construction of a conservatory which will have an approximate volume of 38 cubic metres, this is below the 70 cubic metres limit set out for an enlargement, improvement or other alteration of a detached dwellinghouse.

Any development that will exceed the height of the roofline of the existing dwellinghouse will not be permitted. The proposed addition, at approximately 3.2 metres in height to the roof ridge will not exceed the height of the roof of the existing two storey dwelling on the site.

Development that will result in the part of the building enlarged, improved or altered which would be nearer to any highway which bounds the curtilage of the dwellinghouse than the part of the original dwellinghouse nearest to the highway will not be permitted. The presence of the garage block on the north of the site is part of the original housing development in the area and the proposal will be positioned between the dwelling and this garage block. Therefore the proposed works will satisfy this criterion.

Any enlargement, improvement or alteration, if within 2 metres of the boundary of the site should not exceed a height of 4 metres. The proposal at approximately 1.5 metres from the boundary with No. 24 Oakwood Drive but at a height of 3.2 metres it will satisfy the abovementioned criteria.

The combined area of the enlargement, extension or alteration in combination with any other enlargements, alterations or extensions on the site should not exceed 50% of the total area of the curtilage, excluding the original dwellinghouse. There have been no other enlargements, alterations or extensions constructed at the site. With an area of approximately 11 square metres the proposal will satisfy this criteria.

The site is not located on article 1(5) land, nor is it occupied by a Listed Building. In

addition, the original Outline Planning application for the development of the site A/124/95 and the subsequent Approval of Reserved Matters A/98/00 and not restrict Permitted Development Rights with regard to the estate.

As the proposal has satisfied all the abovementioned criterion it is deemed to be Permitted Development under the Town and Country Planning (General Permitted Development) Order 1995 Schedule 2, Part 1, Class A.

RECOMMENDATION

PLANNING PERMISSION NOT REQUIRED

- 1 The Arun District Council hereby certify that on the 7th March 2008 the use hereby described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and described as Application for Certificate for Lawfulness for Proposed Use - Single storey rear extension and shown on the submitted drawing named Conservatory Details of approved planning application A/16/08/CLP was lawful within the meaning of section 191 of the Town and Country Planning Act 1990 (as amended), for the following reason. That the proposed single storey rear extension would constitute Permitted Development under Schedule 2 Part 1 Class A of the Town and Country Planning (General Permitted Development) Order 1995.
- 2 "The development" concerned is for a single storey rear extension, as detailed in the plans submitted with the application.
- 3 The proposal is for a single storey rear extension, as detailed in the plans submitted with the application.
- 4 26 Oakwood Drive, Angmering