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

REF NO: **A/69/13/CLP**

LOCATION: Mulberry House
Mulberry Hollow
Angmering

PROPOSAL: Application for a Lawful Development Certificate for a proposed rear extension

DESCRIPTION OF APPLICATION

The proposed rear extension is situated on the west elevation and measures approximately 4m in depth, approximately 4.3m in width and approximately 3.7m in height. The eaves height is approximately 2.6m in height and it is situated approximately 1.5m from the nearest boundary.

DESCRIPTION OF SITE AND SURROUNDINGS

The site is occupied by a two storey detached dwelling. Surrounding properties are detached situated on spacious plots with a golf course to the north.

RELEVANT SITE HISTORY

None.

REPRESENTATIONS

Representations received:

None.

Comments on Representations received:

None.

CONSULTATIONS

Consultations responses received:

None.

Comments on Consultation responses:

None.

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 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.

The proposed rear extension is for a detached dwellinghouse. The Town and Country Planning (General Permitted) Development Order (Amendment No.2) (England) 2008 Schedule 2, Article 3, Part 1 Class A (a) states that the cumulative amount of ground covered by any extensions should not exceed 50% of the total area of the curtilage (not including the original dwellinghouse). Since the original dwelling does not appear to have been added to thusfar and the footprint of the proposed extension will occupy under 50% of the area of the curtilage.

Class A (b)informs that extensions must not exceed the height of the existing dwelling. The proposed single storey extension is lower than the main roof of the dwelling.

Class A (c) states that the eaves height of the extension must not exceed those of the dwelling. The proposed extension conforms with this requirement.

Class A (d) informs that the extension should not project beyond any wall that forms a principle or side elevation of the dwelling that fronts a highway. The proposed extension will be located to the rear that is not the principle elevation or fronting a highway and so satisfies this requirement.

Class A (e) states that the extension should not exceed 4m from the rear wall for a detached property which is the case and therefore meets this requirement.

Class A (f) relates to enlargements of the dwellinghouse of more than one storey. Since this extension is single storey, this requirement does not apply.

Class A (g) informs that should the extension be situated within 2m from a boundary, the height of the eaves of this extension should not exceed 3m. The proposed extension has been assessed as being within 2m from the southern boundary of the site but the eaves are approximately 2.6m in height and therefore this requirement has been met.

Class A (h) relates to side extensions and therefore does not apply to this rear extension.

Class A (i) states that the extension should not have (i) a veranda, 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, all of which do not apply and so this requirement is met.

There is no evidence based on the information submitted regarding the materials of the proposed

extension. However, a condition of the build is that any exterior materials used should be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.

It has been demonstrated above that the proposed extension falls within the parameters set out in the Town and Country Planning (General Permitted) Development Order (Amendment No. 2) (England) under Schedule 2, Article 3, Part 1 Class A and, as such, planning permission is not required as the extension qualifies as Permitted Development.

It is therefore recommended that a Certificate of Lawful Development is issued.

RECOMMENDATION

PP NOT REQUIRED

The Arun District Council hereby certify that on 11th July 2013 the development hereby described in the First Schedule in respect of the land specified in the Second Schedule hereto and edged black on the plan attached to this certificate was lawful within the meaning of section 191 of the Town & Country Planning Act 1990 for the following reason:-

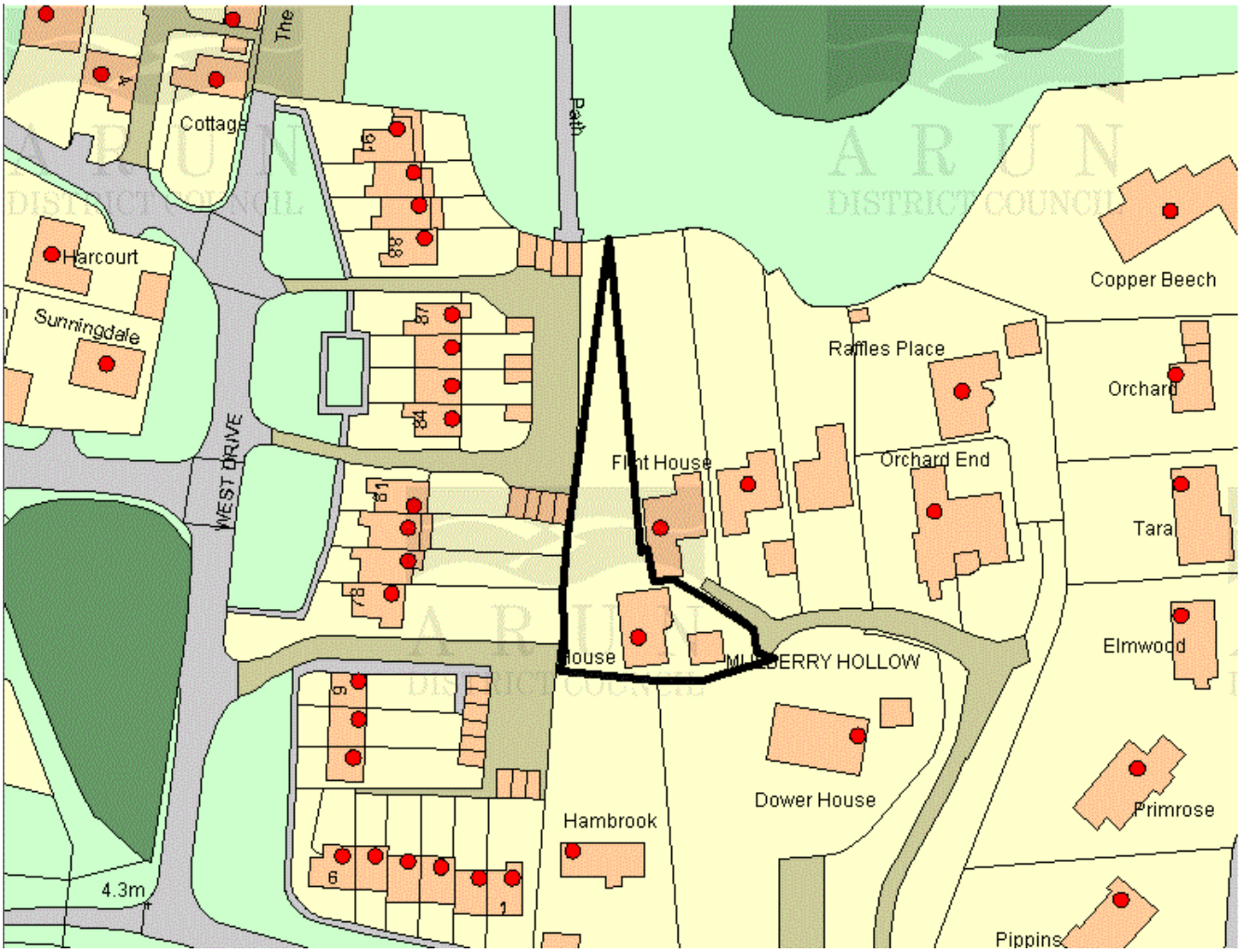
The proposed extension accords with the parameters set out in the Town and Country Planning (General Permitted) Development Order (Amendment No.2) (England) 2008 Schedule 2, Article 3, Part 1 Class A and, as such, does not require planning permission.

FIRST SCHEDULE
The proposed rear extension is situated on the west elevation and measures approximately 4m in depth, approximately 4.3m in width and approximately 3.7m in height. Eaves height is approximately 2.6m in height and is approximately 1.5m from the nearest boundary.

The extension will be for domestic use, associated with Mulberry House, Mulberry Hollow, Angmering, BN16 4JB.

SECOND SCHEDULE
Mulberry House, Mulberry Hollow, Angmering, BN16 4JB.

EXTENT OF USE



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