

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

REF NO: A/75/12/CLP

LOCATION: Cross Riggs
The Thatchway
Angmering

PROPOSAL: Application for a Lawful Development Certificate for a proposed rear extension 4m deep and 3.6m high.

DESCRIPTION OF APPLICATION

The proposed conservatory measures approximately 8.85 metres in width by 3.5 metres in depth. Roof height would be approximately 2.60 metres above ground level at eaves level with a roof lantern and features raising the highest point to 3.5 metres.

DESCRIPTION OF SITE AND SURROUNDINGS

The site is occupied by a large detached two-storey dwelling. There is an existing conservatory on the rear north-eastern elevation that will be demolished and replaced.

RELEVANT SITE HISTORY

None.

REPRESENTATIONS

Representations received:

None.

Comments on Representations received:

None.

CONSULTATIONS

Planning Solicitor

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.

CONCLUSIONS

The proposal is for a single storey extension to the rear of a detached dwelling. The Town and Country Planning (General Permitted Development)(Amendment)(No. 2)(England) Order 2008 Article 3 Part 1 Class A (a) states that the the cumulative amount of ground covered by any extensions should not exceed 50% of the total area of the curtilage (not including the original dwelling house). The original dwelling has not been added to thus far and the footprint of the proposed conservatory 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 extensions are both 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 extensions conform with this requirement.

Class A (d) informs that the extension should not project beyond any wall that fronts a highway and forms a principle or side elevation of the dwelling. The proposed extensions will be made to the rear of the dwelling and, therefore satisfy this requirement.

Class A (e) asserts that an extension to a detached dwelling (such as the proposal) should not project more than 4 metres from the rear wall of the original dwelling. The proposed extension will project 3.5 metres from the rear of the dwelling and is terefore within this threshold. It also sets the maximum height of a single-storey extension as 4 metres. The roof of the proposed extension will be approximately 2.6 metres above ground level. This condition is therefore complied with.

Class A (g) maintains that an extension within 2 metres of any site boundary should have an eaves height of no greater than 3 metres. The proposed extension would not be within 2 metres of any site boundary and, as such, this restriction would not apply to the development.

It has been demonstrated above that the proposed extension falls within the parameters set out in The Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 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 the 11th September 2012 the use hereby described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged boldly on the plan attached to this certificate was lawful within the meaning of section 191 of the Town and Country Planning Act 1990 (as amended), for the following reason:-

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

FIRST SCHEDULE

The development measures approximately 8.85 metres in width by 3.5 metres in depth, within the maximum permitted amount of 4 metres. Eaves height/flat roof surface will be at approximately 2.6 metres and within threshold for eaves height of 3 metres whilst the apex of the lantern roof light at approximately 3.5 metres, within the maximum roof height allowance of 4 metres.

The extension will be for domestic use, associated with Cross Riggs, The Thatchway, Angmering,

SECOND SCHEDULE

Cross Riggs, The Thatchway, Angmering, BN16 4HJ

EXTENT OF USE

The development involves a single-storey extension to the rear of the original dwelling

REASONS FOR REFUSAL OR INFORMATIVE(S)

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