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

REF NO: **A/86/18/CLP**

LOCATION: 8 Thakeham Close
East Preston

PROPOSAL: Lawrful development certificate for a proposed single storey rear extension.

DESCRIPTION OF APPLICATION

The application seeks to erect a rear single storey extension.

DESCRIPTION OF SITE AND SURROUNDINGS

The proposal is a two storey. semi-detached house.

RELEVANT SITE HISTORY

Noted.

REPRESENTATIONS

Representations received:
Parish Council - No objections.

No representations receive from adjacent occupiers.

Comments on Representations received:
Noted.

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

Schedule 2, Part 1, Class A;
"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) fronts a highway, and
(ii) forms either the principle elevation or 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 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 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 one storey, or
(iii) have a width greater than half the width of the original dwellinghouse; or

(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

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 one 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).

A.3 Development is permitted by Class A subject to the following conditions

(a) the materials used in any exterior work (other than the materials used in the construction of a conservatory) shall 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 1.7M 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 PROPOSED EXTENSION
The proposed extension satisfies criteria and conditions set out with Class A. The site is not located on article 2(3) land and is not a Listed Building. The total area of land developed on site is less than 50%.There is no restriction on permitted development rights to extend the application dwelling by means of a condition or Direction.

The extension will be a maximum of 2.8m in height, with an eaves height of 1.9m. The maximum height of the extension is 2.8m, by way of a central roof lantern. Also, proposed materials are to be similar appearance to those used in the construction of the exterior of the existing dwellinghouse.

The proposed single storey extension to the dwelling is therefore considered to accord with the limitations of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) and is considered to be 'permitted development', as such this proposal does not require an application for planning permission.

RECOMMENDATION

PP NOT REQUIRED

The Arun District Council hereby certify that on 19/05/2018 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, would have been lawful within the meaning of section 192 of the Town & Country Planning Act 1990 for the following reasons:

- The proposed structure complies with the limitations of Schedule 2, Part 1, Class A of the Town and Country Planning Act (General Permitted Development) Order 2015 (as amended), and therefore is deemed to be permitted development.

FIRST SCHEDULE
A proposed extension measuring 3m from the rear wall. It has an eaves height of 1.9m and a maximum height of 2.8m. It is shown in the approved drawings as follows:

- Proposed Rear Elevation - 1:50
- Proposed Ground Floor Plan - 1:50

SECOND SCHEDULE
8 Thakeham Close, East Preston, BN16 1DR

EXTENT OF USE
A proposed extension measuring 3m from the rear wall. It has an eaves height of 1.9m and a maximum height of 2.8m.

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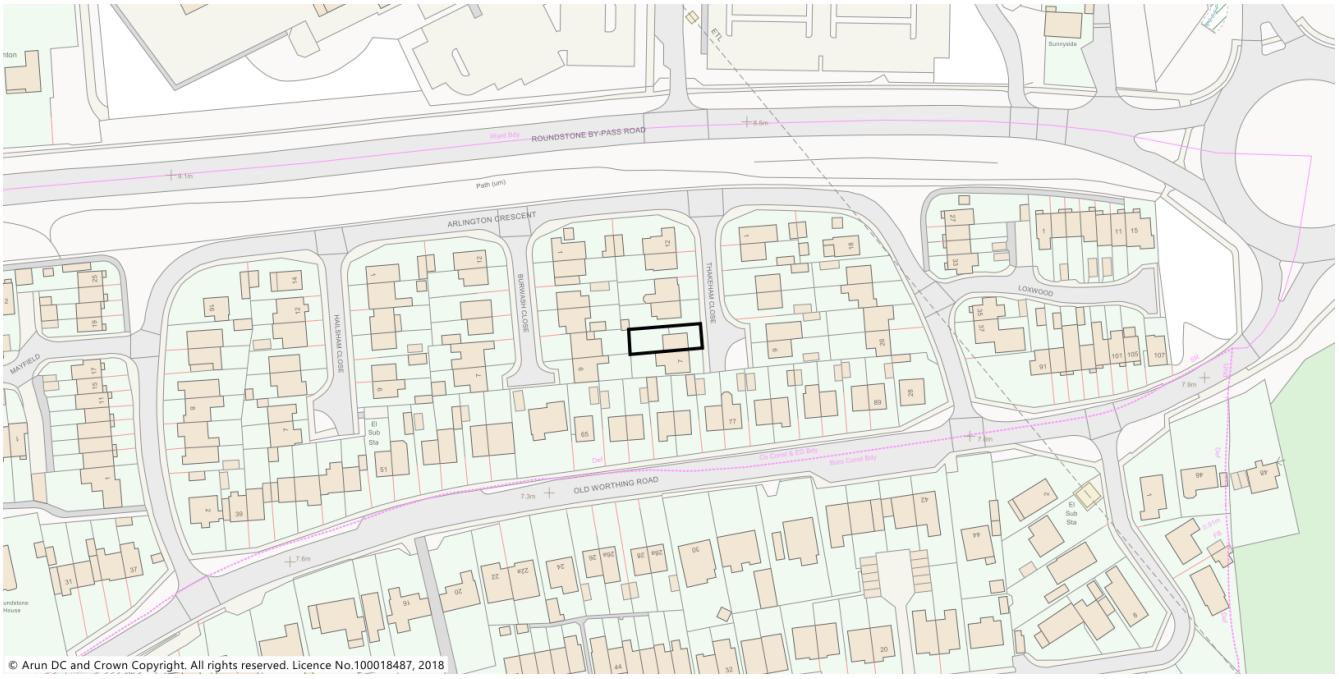

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