

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

REF NO: A/87/15/CLP

LOCATION: 24 Lucksfield Way
Angmering

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

DESCRIPTION OF APPLICATION

It is proposed to erect a single storey rear extension to the application dwelling. This would be 3m deep and 4.8m wide. It would have an eaves height of 2.665m and a maximum height of 3.525m. The uppermost part of the roof would be flat in order to ensure that the roof lies below cill levels of first floor windows and there would be a roof light in the sloping roof plane. Materials proposed are to match the existing dwelling.

DESCRIPTION OF SITE AND SURROUNDINGS

The site is a dwelling with its principal elevation facing Lucksfield Way to the north. The dwellings in the group are linked by garages with a room above, but do not have a terraced appearance in the normally understood sense. The linking garages with rooms above are set back with lower ridges and have a very much secondary appearance.

The rear elevation faces towards the turning head of Butcher Close to the south. There is a small ground floor bay window on the rear elevation. There are parking spaces along the rear boundary of dwellings in Lucksfield Way where they adjoin Butchers Close.

RELEVANT SITE HISTORY

A/68/15/PDH	Notification under extended permitted development rights for single storey rear extension extending 4metres from the original wall of the dwelling house, 3metres high with an eaves height of 2.79metres	Withdrawn 17-06-2015
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The previous application was withdrawn, although the reason for this is not clear from the application material which is available.

REPRESENTATIONS

Representations received:

There has been no publicity and therefore there are no representations.

Comments on Representations received:

None.

CONSULTATIONS

Consultations responses received:

There have been no consultations required and therefore there are no consultation responses.

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 2 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 no restrictive conditions to development have been imposed on the site, the proposed works could constitute Permitted Development and might not require planning permission.

If the works fail to accord with the criteria then planning permission is required.

If the works are prevented by reason of a planning condition then planning permission is required.

CONCLUSIONS

There is no record of permitted development rights for extensions to dwellings having been removed or restricted.

The issue in this application is therefore whether the rear extension proposed requires planning permission. The site is a dwelling and therefore benefits from 'Permitted Development Rights'. In order for planning permission not to be required, the formation of the car space must comply with the following:

Class A

This provides permitted development rights for the enlargement, improvement or other alteration of a house.

Under Class A the following limits and conditions apply:

A.1 Development is not permitted by Class A if -

(a) 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)

(b) 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

(c) 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

(d) the enlarged part of the dwellinghouse would extend beyond a wall which -

(i) fronts a highway, and

(ii) forms either the principal elevation or a side elevation of the original dwellinghouse

(e) 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

(ea) until 30th May 2016, for a dwellinghouse not on article 1(5) 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

f) the enlarged part of the dwellinghouse would have more than one 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 opposite the rear wall of the dwellinghouse

(g) 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

Where any part of a proposed extension to a house is within two metres of the boundary of the land surrounding the property, then the maximum height of the eaves that is allowed for all parts of the proposal is three metres.

(h) 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

(i) it would consist of or include -

- (i) the construction or provision of 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

A2 deals with Article 1(5) land and is not relevant as the site is not on Article 1(5) land.

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) 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 shall 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

(c) where the enlarged part of the dwellinghouse has more than one storey, the roof pitch of the enlarged part shall, so far as practicable, be the same as the roof pitch of the original dwellinghouse

The dimensions of the proposed rear extension have been detailed in the Description of Application section of the report. The proposed rear extension is within the limits set out in Class A as it:

1. Does not cover more than 50% of the remaining curtilage.
2. Does not exceed the height of highest part of the roof of the existing dwelling.
3. The eaves do not exceed the height of the eaves of the existing dwelling.
4. The rear extension does not extend beyond a wall which fronts a highway and which forms a principal elevation.
5. The extension does not exceed 3m in depth.
6. The extension is single storey.
7. The eaves do not exceed 3m in height within 2m of a boundary.
8. The extension is not on a side elevation.
9. does not consist of or include a veranda, balcony or raised platform. Does not involve a microwave antenna. does not include a chimney, flue or soil or vent pipe. And does not involve an alteration of the roof of the dwelling.
10. Materials are proposed to match those of the existing dwelling.
11. No upper floor windows are involved.

In terms of fronting a highway and principal elevation it should be noted that in most cases, the principal elevation will be that part of the house which fronts (directly or at an angle) the main highway serving the house (the main highway will be the one that sets the postcode for the house concerned). It will usually contain the main architectural features such as main bay windows or a

porch serving the main entrance to the house. Usually, but not exclusively, the principal elevation will be what is understood to be the front of the house. In this case and whilst the rear of the dwelling faces Butcher Close, the rear is not a principal elevation.

In this instance, the details of the rear extension shown therefore meet the limitations imposed by Class A and also satisfy the conditions. Planning permission is not therefore required and the rear extension is considered to be 'Permitted Development'.

RECOMMENDATION

PP NOT REQUIRED

The Arun District Council hereby certify that on 02 July 2015 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, is lawful within the meaning of section 192 of the Town & Country Planning Act 1990 by reasons of compliance with relevant criteria and conditions within Schedule 2 Part 1 Class A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).

FIRST SCHEDULE

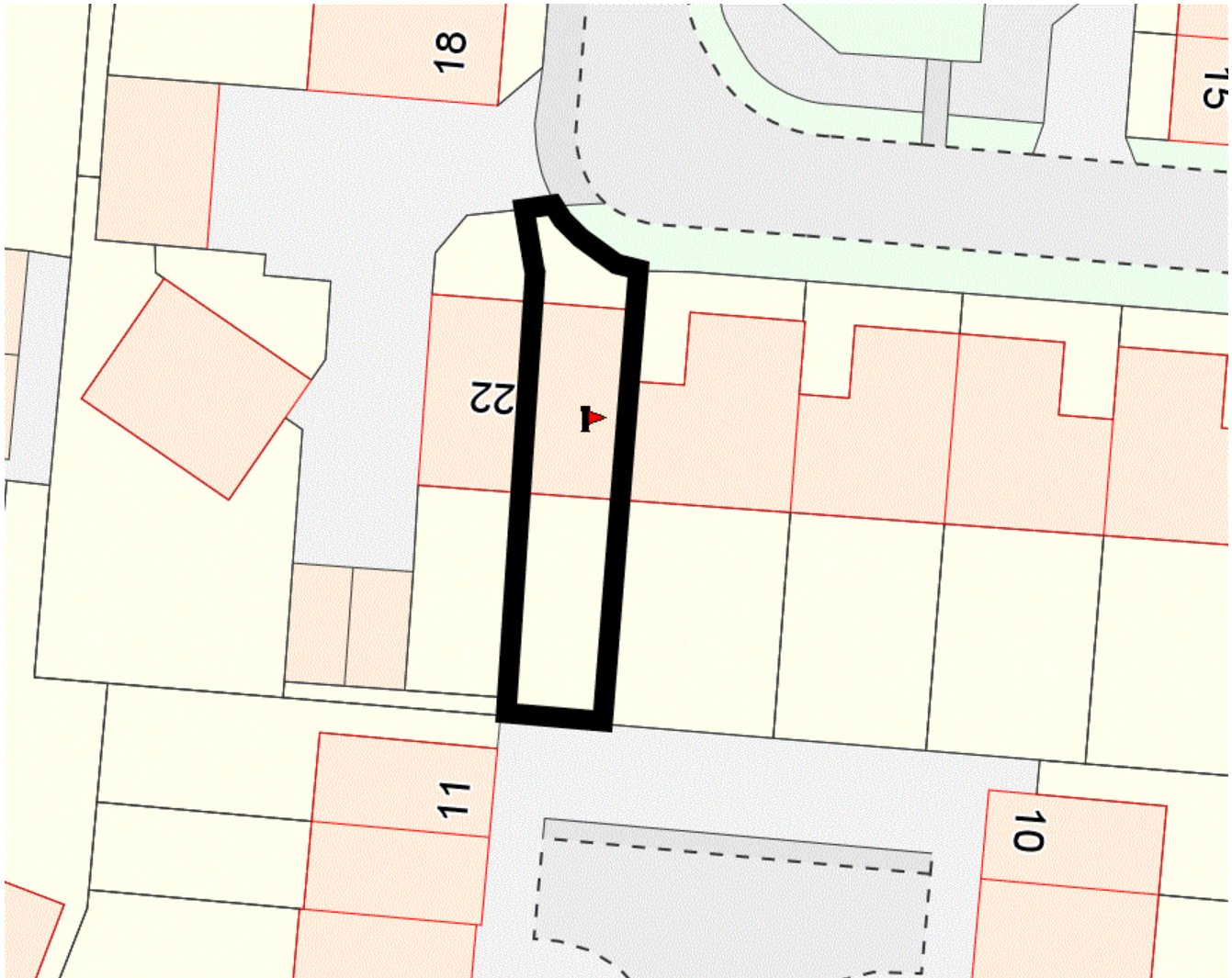
The ground floor extension is located on the rear of the existing dwelling. This is to be 3m deep and 4.8m wide. It is to have an eaves height of 2.665m and a maximum height of 3.525m. The uppermost part of the roof will be flat in order to ensure that the roof lies below cill levels of first floor windows and there will be a roof light in the sloping roof plane. Materials proposed are to match the existing dwelling.

The development is for a ground floor rear extension as detailed on the submitted drawings:

Drawing Number 1509/C04A - Proposed Rear Extension - Dated June 2015

SECOND SCHEDULE

A ground floor rear extension to 24 Lucksfield Way, Angmering BN16 4GX



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