



Town & Country Planning Act 1990 (as amended)
Town & Country Planning (Development Management Procedure) (England)
Order 2010 (as amended) - Article 35
Application for Certificate of Lawfulness for a Proposed use or Operation
DECISION NOTICE

Application Ref: A/94/12/CLP

To Addressee

Mrs C Murphy
Fairway
Ham Manor Way
Angmering
West Sussex
BN16 4JQ

Site Address

Fairway
Ham Manor Way

BN16 4JQ

Description of Application

Application for a Lawful Development Certificate for a proposed use - rear extension

In pursuance of their powers under this Act and these Regulations the Council **REFUSE** to certify that the development described above is Lawful for the reasons stated below.

The proposed side extension is considered to fall under Schedule 2 Part 1 Class A of the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 in that it relates to "the enlargement, improvement or other alteration of a dwellinghouse).

(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
- (ii) have a width greater than half the width of the original dwellinghouse;

While the frontage of the property facing Ham Manor Way is suggested as being a principal elevation, I find that the south-west elevation facing West Drive would be the principal elevation. It contains a central feature gable with a pair of sloping roof dormers and large principal windows. The proposed development therefore results in a two storey extension to a side elevation of the dwelling, as such the proposal is not permitted development under criteria i and ii of A.1 (h).

As such the proposal fails to comply in any form with the permitted development allowances; Planning Permission is therefore required.

The Arun District Council hereby certify that on 28th August 2012 the proposed extension would not constitute "Permitted Development" of the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 under Schedule 2 Part 1 Class A.1 or A.3:

(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**
- (ii) have a width greater than half the width of the original dwellinghouse;**

While the frontage of the property facing Ham Manor Way is suggested as being a principal elevation, I find that the south-west elevation facing West Drive would be the principal elevation. It contains a central feature gable with a pair of sloping roof dormers and large principal windows. The proposed development therefore results in a two storey extension to a side elevation of the dwelling, as such the proposal is not permitted development under criteria i and ii of A.1 (h).

As such the proposal fails to comply in any form with the permitted development allowances; Planning Permission is therefore required.

IT IS IMPORTANT THAT YOU READ THE NOTES ATTACHED TO THIS DOCUMENT

Head of Planning Services
Arun District Council
The Arun Civic Centre
Maltravers Road
Littlehampton
West Sussex BN17 5LF

Case Officer: Mr P Cleveland

Decision Issued: **5 November 2012**



RIGHTS OF APPLICANTS AGGRIEVED BY DECISION OF LOCAL PLANNING AUTHORITY

TOWN AND COUNTRY PLANNING ACT 1990

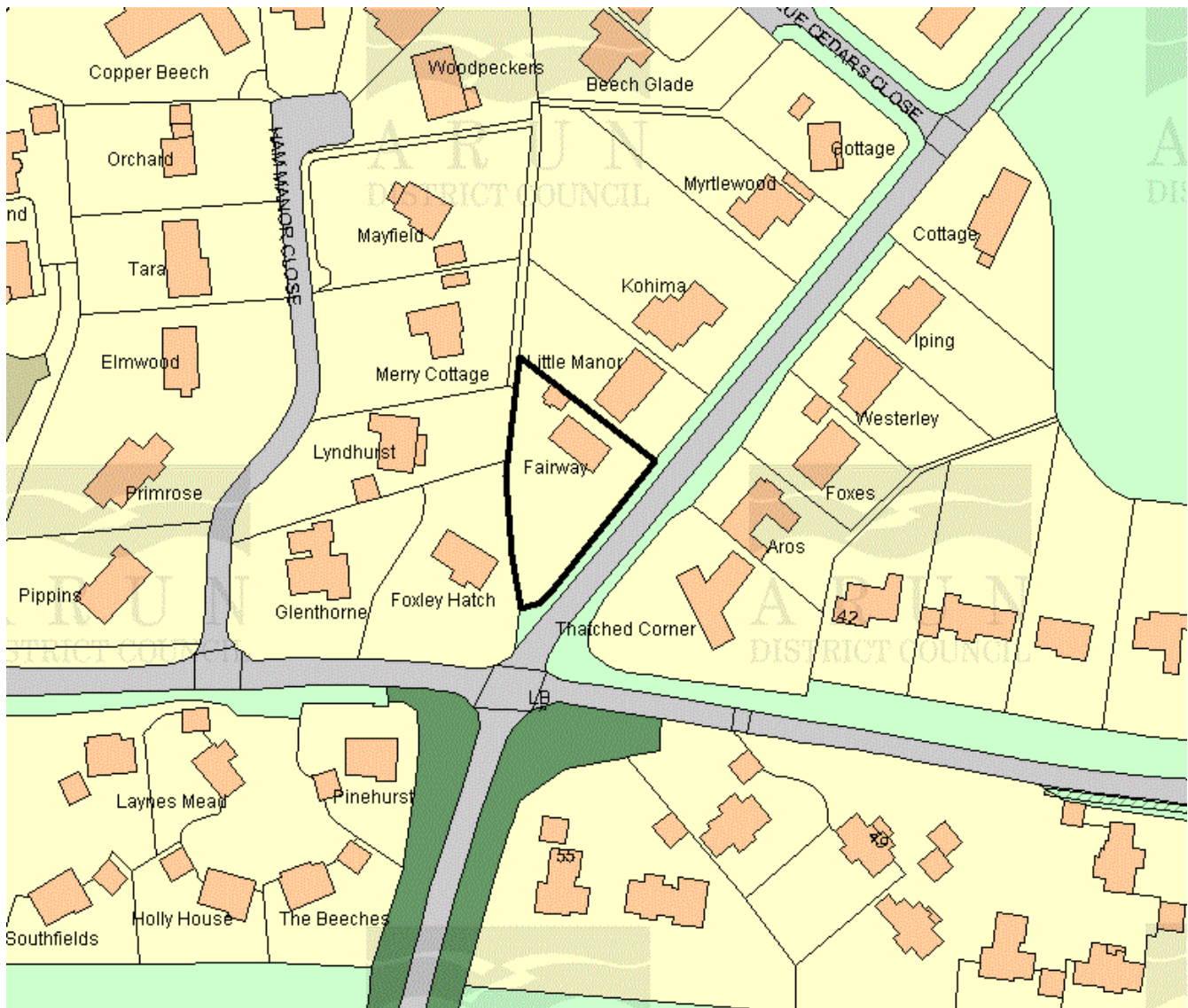
By Section 195 (as amended) of the Town and Country Planning Act 1990, where an application is made to a Local Planning Authority under Sections 191 or 192 and is refused, or is refused in part, the applicant may by notice under this subsection appeal to the Secretary of State and on any such appeal the Secretary of State:-

- a) if and so far as he is satisfied that the Authority's refusal is not wellfounded, grant to the appellant a Certificate under Section 191/192 accordingly or, as the case may be, modify the certificate granted by the Authority on the Application; and
- b) if and so far as he is satisfied that the Authority's refusal is wellfounded, dismiss the appeal.

If you wish to appeal to the Secretary of State you should write in the first instance to The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN.

There is no time limit for submission of an appeal following the Authority's decision.

Please note that this decision notice only relates to matters under the Planning Acts and does not give consent under any other legislation that may apply to the development. You will need to carry out your own checks to determine whether any other consents or permissions are required. For example, the Building Regulations are likely to apply to most developments, and a Highways Licence may be required from West Sussex County Council for any development within the public highway (including the placing of skips on highway land).



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