

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

REF NO: A/94/12/CLP

LOCATION: Fairway
Ham Manor Way
Angmering

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

DESCRIPTION OF APPLICATION

The certificate seeks confirmation that the construction of a 2 storey rear extension to the western elevation of the building would be considered as permitted development.

DESCRIPTION OF SITE AND SURROUNDINGS

Detached two storey thatched property, white painted elevations, with timber feather-edged cladding to gables. Corner site.

RELEVANT SITE HISTORY

REPRESENTATIONS

Representations received:

Comments on Representations received:

CONSULTATIONS

Consultations responses received:

Comments on Consultation responses:

LEGISLATIVE BACKGROUND

Principle

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 development 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.

CONCLUSIONS

The application is for single storey garden room extension on the rear and a dormer window on the rear roof slope which will provide additional accommodation within the roof space comprising two bedrooms with an en-suite.

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.

RECOMMENDATION

PP 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.

REASONS FOR REFUSAL OR INFORMATIVE(S)

- 1 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.

