

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

REF NO: A/97/13/CLP

LOCATION: Casterbridge
The Thatchway
Angmering

PROPOSAL: Application for a Lawful Development Certificate for a Proposed Use or Development - Extension/alteration.

DESCRIPTION OF APPLICATION

The proposed extension measures 9 metres in width by 3 metres in depth and 9 metres in height. Four roof lights and a sun tunnel will also be added to the rear roof slope.

DESCRIPTION OF SITE AND SURROUNDINGS

The site is occupied by a detached two-storey dwelling. A single-storey flat roof extension has been added to the rear.

RELEVANT SITE HISTORY

A/115/06/	Single storey rear extension plus dormer windows to rear elevation	ApproveConditionally 05-09-2006
A/158/11/CLP	Application for a Certificate of Lawfulness for a proposed extension/alteration	PP Not Required 09-01-2012
A/152/67	Alterations and 2 storey extension to form separate living accommodation	ApproveConditionally 19-10-1967

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 bulk of 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.

The roof lights and sun tunnel are within a separate classification to the extension and criteria for these works are contained within Class C of the order.

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 two-storey rear extension, this can be deemed as permitted development provided relevant criteria are satisfied.

The Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008, Part 1, Class A.1 (a) states that the footprint of an extension must not exceed 50% of the total site area (excluding the original dwelling). The site is large and the proposed extension would clearly not occupy more than 50% of its area.

Class A.1 (b) states that the height of the proposed extension must not exceed that of the highest part of the roof of the existing dwelling. The ridge height of the proposed extension is set below that of the existing roof, satisfying this criterion.

Class A.1 (c) stipulates that the eaves height of the proposed extension must be no higher than those of the existing dwelling. The eaves height of the roof of the proposed extension matches that of the existing dwelling and is therefore in accordance with this requirement.

Class A.1 (d) acts to prevent extensions being made forward of an elevation that fronts a highway and is the principal elevation of the original dwelling. The proposed extension will be made to the rear elevation and, as such, will not conflict with this condition.

Class A.1 (e) concerns single-storey extensions and therefore is not applicable to this consideration.

Class A.1 (f) informs that, in the case of a two-storey extension, the maximum projection from the rear wall of the original dwelling must be no more than 3 metres and that no part of the extension may fall within 7 metres of any site boundary opposite the rear wall of the dwelling. It is noted that the original dwelling has been extended, at two-storey height, to the side following approval of

planning application A/152/67. However, the proposed extension is positioned so it is entirely to the rear of the original dwelling and not this side extension. The proposed extension projects the maximum permitted amount, at 3 metres, and, at its closest, is some 41 metres from the rear site boundary. The extension is therefore within the parameters set out in this criterion.

Class A.1 (g) states that, where an extension is within 2 metres on any site boundary, the maximum eaves height is 3 metres. The eaves height of the proposed extension is well in excess of 3 metres but the extension is set further than 2 metres away from all site boundaries, therefore negating this requirement.

Class A.1 (h) applies to side extensions only and, as such, is not applicable in this instance.

Class A.3 contains additional conditions for any permitted works. These are (a) that external materials used are similar in appearance to those used on the existing building. The plans show that materials used will match those on the existing building, satisfying this requirement.

Class A.3 (b) maintains that all windows above ground floor height on a side elevation must be obscurely glazed. Additionally, they should be fixed shut when less than 1700mm above floor level. There are two first floor windows proposed on side elevations, the plans state that these will be obscure glazed and fixed shut where required, meeting the conditions set out.

Class A.3 (c) states that, on an extension of more than one-storey, the roof pitch should, as far as practicable, match that of the existing roof. Whilst the roof pitch of the proposed extension does not replicate that of the existing roof, it has been designed in a sympathetic manner, with a barn-hipped roof design that compliments the main hipped roof, and it is considered reasonable attempts have been made to integrate the extension roof with the existing roof.

With regards to the roof lights and sun tunnel, Class C.1 (a) informs that any installation within the roof slope must not protrude more than 150mm from its plane. Accompanying section plans show these instalments being flush with the roof slope and, therefore, satisfying this restriction.

Class C.1 (b) states that any instalment must not be higher than the highest part of the original roof. The existing roof is at the same height as it was originally constructed and the roof lights and sun tunnel do not project above this height, meaning this condition is satisfied.

No other conditions within this class of the order apply to roof lights or sun tunnels located on a rear roof slope.

It has been demonstrated that the proposed works are within the parameters set out within the The Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008, Part 1 and, therefore, a Certificate of Lawful Development for the works should be granted.

RECOMMENDATION

PP NOT REQUIRED

The Arun District Council hereby certify that on the 30th of July 2013 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 192 of the Town and Country Planning Act 1990 (as amended), for the following reason.

The proposed rear extension, roof lights and sun tunnel are deemed permitted development as they fall within the parameters set out in the The Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008, Part 1 Classes A and C.

FIRST SCHEDULE

The rear extension measures 9 metres in width by 3 metres in depth and 9 metres to roof ridge height.

The roof lights and sun tunnel will be installed in the rear roof slope and not project more than 150mm from the plane of the roof.

SECOND SCHEDULE

Casterbridge, The Thatchway, Angmering, West Sussex, BN16 4HJ

EXTENT OF USE

The proposed development consists of a two-storey extension to be made to the rear of the original dwelling as well as four roof lights and a sun tunnel being installed in the rear slope of the existing roof.



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