

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

REF NO: BE/37/18/CLP

LOCATION: 24 Winston Close
Bersted

PROPOSAL: Lawful development certificate for a proposed single storey side extension & to extend hard standing with extended crossover

DESCRIPTION OF APPLICATION

The proposal is to;

- 1) construct a rear single storey extension 2.8 metres by 3.5 metres behind the existing flat roofed garage on the side elevation of the property with a 2.8 metre high flat roof and feature roof light at 3.5 metres in height.
- 2) Construct a hardstanding in the front garden to provide 2 car parking spaces with an area of 25 sq.m. which would have a means of access directly onto Winston Close.

DESCRIPTION OF SITE AND SURROUNDINGS

A semi detached bungalow with a pantile roof and blond facing bricks. The property has an open plan front garden. It is located within a residential estate area of similar detached and semi detached bungalows.

RELEVANT SITE HISTORY

BR/612/75	Provision of single garage and extension of lounge and kitchen into existing garage	ApproveConditionally 29-10-1975
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Noted.

REPRESENTATIONS

Representations received:

None.

Comments on Representations received:

N/a.

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).

Part 1

- Class A, which relates to the enlargement, improvement, or other alterations to a dwellinghouse.
- Class F, which relates to the hard surfaces incidental to the enjoyment of a dwellinghouse.

Part 2

Class B which relates to Class B - means of access to a highway

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 proposed single storey extension is considered to fall under Schedule 2 Part 1 Class A of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended).

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 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) forms the principal elevation of the original dwellinghouse; or

(ii) fronts a highway and forms 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 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;

(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 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 a single storey, or

(iii) have a width greater than half the width of the original dwellinghouse; or

(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 a single storey and extend beyond the rear wall of the original dwellinghouse.

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) must 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 1.7 metres 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, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.

The property known as 24 Winston Close is not a listed building or within a Conservation Area. There are no conditions applied to previous planning permissions at the property which would restrict permitted development rights at the property.

The proposed single storey rear extension complies with relevant sections (a)(b),(c),(d),(e),(i),(j)(i)(ii)(iii),(k) and is considered to be 'Permitted Development' and as such does not require the submission of an application for planning permission.

The proposed single storey extension is considered to fall under Schedule 2 Part 1 Class F of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended).

F.1 Development is not permitted by Class F if permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use).

Conditions

F.2 Development is permitted by Class F subject to the condition that where

(a) the hard surface would be situated on land between a wall forming the principal elevation of the dwellinghouse and a highway, and

(b) the area of ground covered by the hard surface, or the area of hard surface replaced, would exceed 5 square metres,

either the hard surface is made of porous materials, or provision is made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse.

The proposed hardstanding is considered to comply with the limitations of Schedule 2, Part 1, Class F of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and considered to be 'permitted development'.

The proposed single storey extension is considered to fall under Schedule 2, Part 2, Class B of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended).

Means of access onto the highway is permitted development as follows;

B. The formation, laying out and construction of a means of access to a highway which is not a trunk road or a classified road, where that access is required in connection with development permitted by any Class in this Schedule (other than by Class A of this Part).

The proposed means of access is not onto a trunk road or a classified road and is required in connection with the creation of hardstanding under Part 1, Class F of Schedule 2.

The proposed means of access is considered to comply with the limitations of Schedule 2, Part 2, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and considered to be 'permitted development'.

RECOMMENDATION

PP REQUIRED

The Arun District Council hereby certify that on 20th March 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 rear extension, hardstanding and means of access are considered to comply with part 1, Class A and Class F and part 2, Class F of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

FIRST SCHEDULE

The development proposed is a single storey rear extension to the side of the dwellinghouse with a flat roof and an area of hardstanding to the front of the dwelling with new means of access onto the highway as shown on the submitted drawings;

Dwg.no. 1805 P 01 - Block and Location Plans dated Feb 2018.

Dwg.no. 1805 P 04 - Plans as proposed dated Feb 2018.

Dwg.no. 1805 P 05 - Elevations as proposed dated Feb 2018.

Email received on 25th April 2018 16:27 confirming porosity and/or rain water run off of proposed hard standing.

Email received on 25th April 2018 16:35 confirming materials of construction of the proposed extension to match the existing dwellinghouse.

SECOND SCHEDULE

24 Winston Close, Bersted, West Sussex, PO21 5DE

EXTENT OF USE

1) construct a rear single storey extension 2.8 metres by 3.5 metres behind the existing flat roofed garage on the side elevation of the property with a 2.8 metre high

flat roof and feature roof light at 3.5 metres in height.

2) Construct a hardstanding in the front garden to provide 2 car parking spaces with an area of 25 sq.m. which would have a means of access directly onto Winston Close.



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