

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

REF NO: BN/17/25/CLP

LOCATION: 39 Spinney Walk
Barnham
PO22 0HT

PROPOSAL: Lawful development certificate for the proposed removal of existing side (north) extension and chimney. Erection of single-storey side extension and two-storey rear extension.

DESCRIPTION OF APPLICATION

This application seeks a lawful development certificate for the proposed removal of existing side (north) extension and chimney and the erection of single-storey side extension and two-storey rear extension.

RELEVANT SITE HISTORY

REPRESENTATIONS

Representations Received:

CONSULTATIONS

Consultations Responses Received:

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) (England) Order 2015 as amended.

- Class A, which pertains to the enlargement, improvement, or other alterations to a dwellinghouse.
- Class G, which pertains to the installation, alteration or replacement of chimneys.

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.

CONCLUSION

The proposed side and rear extensions are considered to fall under Schedule 2, Part 1, Class A and the removal of the chimney is considered to fall under Schedule 2, Part 1, Class G of the Town and Country Planning (General Permitted Development) (England) Order 2015

Permitted Development

- A. The enlargement, improvement or other alteration of a dwellinghouse.

Development not permitted

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 G, M, MA, N, P, PA 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) 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 being enlarged which is opposite the rear wall of that 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;

(ja) any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (e) to (j);

(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.; or

(l) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).

Permitted development

G. The installation, alteration or replacement of a chimney, flue or soil and vent pipe on a dwellinghouse.

Development not permitted

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

- (a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class G, M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use);
- (b) the height of the chimney, flue or soil and vent pipe would exceed the highest part of the roof by 1 metre or more; or
- (c) in the case of a dwellinghouse on article 2(3) land, the chimney, flue or soil and vent pipe would be installed on a wall or roof slope which -
 - (i) fronts a highway, and
 - (ii) forms either the principal elevation or a side elevation of the dwellinghouse.; or
- (d) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).

The property known as 39 Spinney Walk is a detached property and is not a listed building, or in a conservation area. There are no restrictions on the property's permitted development rights relevant to this proposal.

The external materials and finishes of both the rear extension and the side extension would match those of the existing dwelling. The proposed first floor level side windows would be obscurely glazed and non-openable below 1.7m above the internal floor level.

The proposed rear extension and side extension comply with relevant sections (a)(b)(c)(d)(e)(f)(h)(i)(j)(k) and (l) of Class A and are considered permitted development. The removal of the chimney complies with Class G. As such, the proposal does not require the submission of an application for full planning permission.

RECOMMENDATION

PP NOT REQUIRED

The Arun District Council hereby certify that on 19 February 2025 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 by reason of compliance with Schedule 2, Part 1, Classes A and G of the Town and Country Planning (General Permitted Development) (England) Order 2015.

FIRST SCHEDULE

Two storey and single storey rear extension and single storey side extension as shown on the following plans:

- Location Plan
- Block Plan BLP.01 A
- Proposed Floor and Roof Plans PFP.01 A
- Proposed Elevations PE.01 A

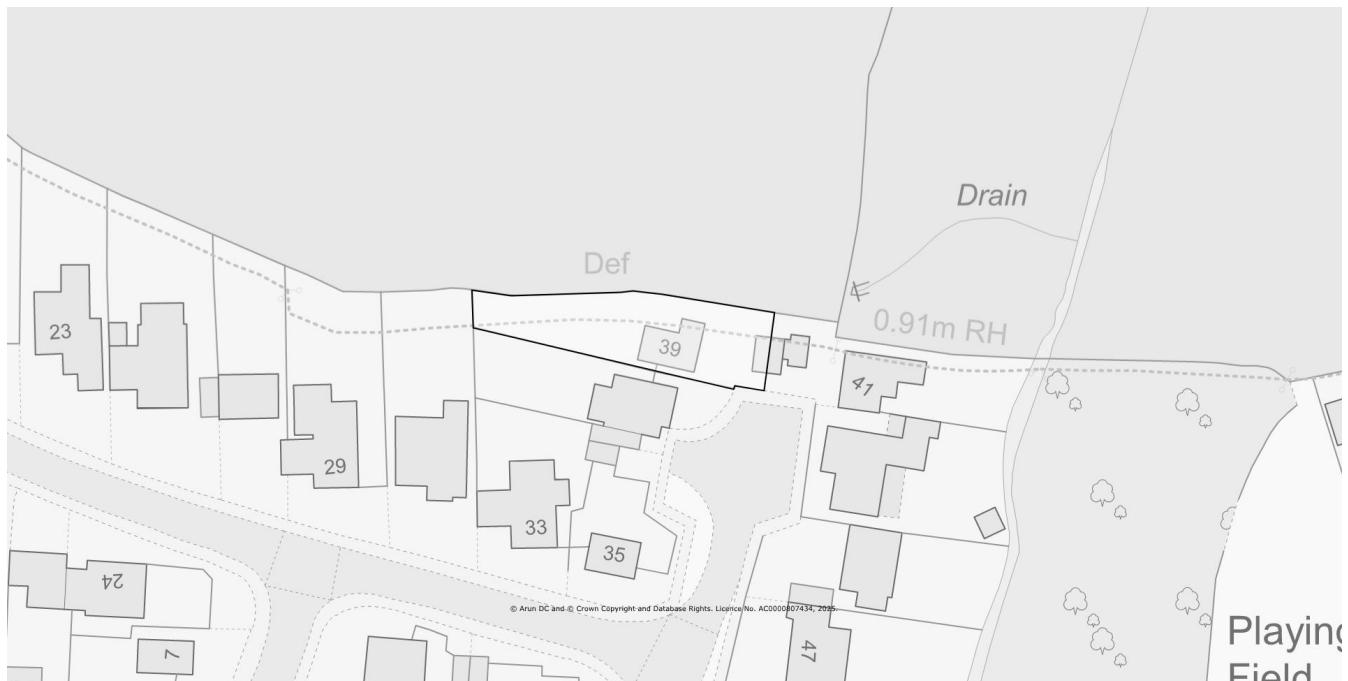
SECOND SCHEDULE

39 Spinney Walk, Barnham, PO22 0HT.

EXTENT OF USE

Two storey rear extension measuring approx. 4.7m wide, 3m deep and 6.7m high, single storey rear extension measuring 1.2m wide, 3m deep and 2.95m high and single storey side extension measuring 2.8m high by 8.3m deep by 2.95m high.

BN/17/25/CLP - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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