

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

REF NO: BN/56/19/CLP

LOCATION: Cherry Trees
Lake Lane
Barnham
PO22 0AD

PROPOSAL: Lawful development certificate for a proposed single storey rear extension.

DESCRIPTION OF APPLICATION

Lawful development certificate for a proposed single 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.

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

A. Permitted development

The enlargement, improvement or other alteration of a dwellinghouse.

A.1 Development not permitted

Development is not permitted by Class A if-

(a) the cubic content of the resulting building would exceed the cubic content of the original dwellinghouse

(i) in the case of a terrace house or in the case of a dwellinghouse on article 1(5) land, by more than 50 cubic metres or 10 %, whichever is the greater,

(ii) in any other case, by more than 70 cubic metres or 15%, whichever is the greater,

(iii) in any case, by more than 115 cubic metres;

(b) the part of the building enlarged, improved or altered would exceed in height the highest part of the roof of the original dwellinghouse;

(c) the part of the building enlarged, improved or altered would be nearer to any highway which bounds the curtilage of the dwellinghouse than;

(i) the part of the original dwellinghouse nearest to that highway, or

(ii) any point 20 metres from that highway,

whichever is nearer to the highway;

(d) in the case of development other than the insertion, enlargement, improvement or other alteration of a window in an existing wall of a dwellinghouse, the part of the building enlarged, improved or altered would be within 2 metres of the boundary of the curtilage of the dwellinghouse and would exceed 4 metres in height;

(e) the total area of ground covered by buildings within the curtilage (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);

(f) it would consist of or include the installation, alteration or replacement of a satellite antenna;

(g) it would consist of or include the erection of a building within the curtilage of a listed building; or

(h) it would consist of or include an alteration to any part of the roof.

In the case of a dwellinghouse on any article 1(5) land, development is not permitted by Class A if it would consist of or include the cladding of any part of the exterior with stone, artificial stone, timber, plastic or tiles.

A.3 Interpretation of Class A

For the purposes of Class A:

(a) the erection within the curtilage of a dwellinghouse of any building with a cubic content greater than 10 cubic metres shall be treated as the enlargement of the dwellinghouse for all purposes (including calculating cubic content) where;

(i) the dwellinghouse is on article 1(5) land, or

(ii) in any other case, any part of that building would be within 5 metres of any part of the dwellinghouse;

(b) where any part of the dwellinghouse would be within 5 metres of an existing building within the same curtilage, that building shall be treated as forming part of the resulting building for the purpose of calculating the cubic content.

The proposed single storey side extension complies with relevant sections (a)(b)(c)(d)(e)(f)(g)(h)(i)(j)(ja)(i)(ii)(iii)(k) and is considered permitted development and as such does not require the submission of an application for full planning permission.

RECOMMENDATION

PP NOT REQUIRED

The Arun District Council hereby certify that on 09/08/2019 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, was lawful within the meaning of section 192 of the Town & Country Planning Act 1990 for the following reason

- The proposed development complies with the limitations of Schedule 2 Part 1 Class A of the General Permitted Development Order 2015.

FIRST SCHEDULE

**Construction of a proposed single storey rear extension. This is shown on the following plans:
Proposed plans, sections, site and location July 2019 DRG2**

SECOND SCHEDULE

Cherry Trees, Lake Lane, Barnham, PO22 0AD

EXTENT OF USE

Construction of a proposed single storey rear extension.