

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

REF NO: BR/136/17/CLP

LOCATION: 46 Highfield Road
Bognor Regis

PROPOSAL: Lawful certificate for a proposed front entrance porch

DESCRIPTION OF APPLICATION

Front entrance porch.

DESCRIPTION OF SITE AND SURROUNDINGS

End of terraced two storey dwelling with gardens to side and rear. The entrance to the property is on the side of the dwelling which is considered its principal elevation.

RELEVANT SITE HISTORY

BR/245/88	Conversion to 2 no flats	Refused 13-06-1988
BR/593/88	Conversion of semi detached house to 2 flats.	ApproveConditionally 30-11-1988

None relevant.

REPRESENTATIONS

Representations received:

No comments made.

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 1 criteria contained within The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Part 1.

- Class D, which pertains to front porch extensions.

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 front porch extension is considered to fall under Schedule 2 Part 1 Class D of the Town and Country Planning (General Permitted Development) (England) Order 2015.

D.1 Development is not permitted by Class D 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) the ground area (measured externally) of the structure would exceed 3 square metres;

(c) any part of the structure would be more than 3 metres above ground level; or

(d) any part of the structure would be within 2 metres of any boundary of the curtilage of the dwellinghouse with a highway.

The proposed porch would meet the above requirements and is considered to be permitted development.

The height of the porch appears to be above 3m on the submitted elevations. However, the property is on a sloping site with the highest section being the road. DCLG document "Permitted development rights for householders Technical Guidance states:

"Where ground level is not uniform (for example if the ground is sloping), then the ground level is the highest part of the surface of the ground next to the building."

As such, when measuring the ridge of the porches roof from the highest part of the land it is 2.95m high.

The property known as 46 Highfield Road, Bognor Regis is a two storey terraced dwellinghouse and is not a listed building or within a Conservation Area. The proposed extension would be of materials similar to existing.

The proposed porch complies with section D.1, (a), (b), (c) and (d). Thus is considered to be

"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 11-05-17 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/were/would have been lawful within the meaning of section 192 of the Town & Country Planning Act 1990 for the following reasons:

Compliance with Schedule 2 Part 1 Class D of the Town and Country Planning (General Permitted Development) (England) Order 2015.

FIRST SCHEDULE

Front entrance porch

SECOND SCHEDULE

46 Highfield Road, Bognor Regis, West Sussex PO22 8PH

EXTENT OF USE

Construction of front porch to the existing dwelling, in accordance with:-

206/01 LOCATION PLAN ONLY

206/02



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