

CERTIFICATE OF LAWFUL PROPOSED DEVELOPMENT REPORT

REF NO: BR/85/10/CLP

LOCATION: 16 Shelley Road
Bognor Regis

PROPOSAL: Application for a Certificate of Lawfulness for the demolition of an existing store and lean-to and construction of a single storey side extension

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposed single storey side extension.
SITE AREA	Approximately 670 square metres.
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Brick wall approximately 1m high to front. Close boarded fencing and hedging to sides and rear.
SITE CHARACTERISTICS	The site is a two storey detached dwelling with brick faced elevations, a plain tiled hipped roof and a tile hung gable to front.
CHARACTER OF LOCALITY	The site is located on a residential road of predominantly two storey dwellings.

RELEVANT SITE HISTORY

REPRESENTATIONS

Representations received:

Non Applicable

Comments on Representations received:

Non Applicable

CONSULTATIONS

Planning Solicitor

Consultations responses received:

Awaited

Comments on Consultation responses:

None

DEVELOPMENT PLAN AND/OR 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.

Assessment

S55 (2) (a) TCPA 1990 states that works which affect only the interior of a building...do not materially affect the external appearance... do...not involve development

It appears to me from the evidence described above that these proposals fit within this category. Accordingly they are not development. Accordingly they do not need planning permission.

I have not seen any evidence which suggest that PD Rights are an issue or need consideration. They only refer to development which I have concluded that this is not.

I refer to the cases at EPL Vol 5 para 3B 2068.13 and 1987 JPL 144 and Uttlesford DC v SoSE 1992 JPL 171 to establish that internal works of this nature are not development being part and parcel of the domestic accommodation.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

The application seeks a Certificate of Lawfulness for a proposed development for a single storey side extension at 16 Shelley Road.

The proposed development is considered to fall under Schedule 2 Part 1 Class A of the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 in that it relates to the enlargement, improvement or other alteration of a dwellinghouse.

Section (d) of Class A.1 of the General Permitted Development Order states that development is not permitted if the enlarged part of the dwellinghouse would extend beyond a wall which

- (i) fronts a highway, and
- (ii) forms either the principal elevation or a side elevation of the original dwellinghouse.

The proposed extension would project from the side wall of the original dwellinghouse, but not beyond one which fronts a highway. Therefore it is considered to comply with Section (d).

Section (g) of Class A.1 of the General Permitted Development Order states that development is not permitted if 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.

The eaves of the proposed extension would be 2.5 metres high and therefore it is considered that the proposed extension also complies with Section (g).

Section (h) of Class A.1 of the General Permitted Development Order states that development is not permitted if 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 one storey, or
- (ii) have a width greater than half the width of the original dwellinghouse.

The proposed single storey extension would project from the side wall of the original dwellinghouse by 1.6m, and would have a mono-pitched roof reaching a maximum height of 3.5m, and would be less than half the width of the original dwellinghouse and therefore it is also considered to comply with the above section of the General Permitted Development Order 2008.

Therefore the proposed single storey extension is considered to be "Permitted Development" and planning permission is not required.

RECOMMENDATION

PLANNING PERMISSION NOT REQUIRED

- 1 The Arun District Council hereby certify that on the 11th March 2010 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 development as proposed falls under Schedule 2 Part 1 Class A of the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 in that it relates to the enlargement, improvement or other alteration of a dwellinghouse.

Section (d) the enlarged part of the dwellinghouse would extend beyond a wall which forms the side elevation of the original dwellinghouse but this wall does not front a highway.

Section (g) 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 not exceed 3 metres.

Section (h) the extension would be single storey and extend beyond a wall forming a side elevation but would be less than half the width of the original dwellinghouse as detailed in the plans submitted with the application.

- 2 The development proposed is for a single storey extension to be constructed on the side elevation of the dwellinghouse as detailed in the substitute plans received 28th April 2010 .
- 3 The single storey extension measures 1.6m in width, 4.4m in depth and 3.5m in height.
- 4 16 Shelley Road, Bognor Regis, West Sussex, PO21 2SL