

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

REF NO: EG/33/18/CLP

LOCATION: 3 Collins Close
Eastergate

PROPOSAL: Lawful development certificate for a proposed single storey rear extension & partial garage conversion.

DESCRIPTION OF APPLICATION

The proposal seeks to construct a single storey rear extension and a partial conversion of the garage.

DESCRIPTION OF SITE AND SURROUNDINGS

The site is populated by a two storey detached dwelling. The area has housing of similar styles and designs.

RELEVANT SITE HISTORY

None

REPRESENTATIONS

Representations received:

N/A

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) (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.

CONCLUSIONS

The proposed garage conversion would not be regarded as 'development'. The Town and Country Planning Act 1990 (c. 8) Part III Section 55 Para. 2 (d) states that the use of any buildings or other land within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse is not development.

Section 55 Para. 2 (a) informs that the carrying out for the maintenance, improvement or other alteration of any building of works which affect only the interior of the building, or do not materially affect the external appearance of the building are also not regarded as development. The internal conversion of the existing garage is therefore not classed as development.

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

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 3 Collins Close, Eastergate is a detached property and is not listed or within a Conservation Area. The proposed extension would be of materials similar to existing.

The proposed single storey rear extension complies with relevant sections (a)(b)(c)(d)(e)(f)(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 full planning permission.

Examination of the site history of the site has revealed no restrictions on permitted development.

RECOMMENDATION

PP NOT REQUIRED

The Arun District Council hereby certify that on 17-8-2018 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, was lawful within the meaning of section 192 of the Town & Country Planning Act 1990 by reason of compliance with the relevant criteria within Schedule 2 Part 1 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015.

FIRST SCHEDULE

The proposed garage conversion does not constitute 'development' as defined in The Town and Country Planning Act 1990 Section 55 Para. 2.

The construction of a single storey rear extension is considered to fall under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order.

The development hereby approved shall be carried out in accordance with the following approved plans

- Location and Block Plan - 06/031-007
- Proposed Elevations - 06/031-006
- Proposed First Floor Plan - 06/031-004
- Proposed Ground Floor Plan - 06/031-002

SECOND SCHEDULE

3 Collins Close, Eastergate, PO20 3JT

EXTENT OF USE

Construction of a single storey rear extension made from materials which match that of the existing dwelling measuring approximately 3.4 high, 8.5 wide and 2.5m deep and partial conversion of the garage.



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