



Town & Country Planning Act 1990 (as amended)
Town & Country Planning (Development Management Procedure) (England)
Order 2015 - Article 39
Application for Certificate of Lawfulness for a Proposed use or Operation
DECISION NOTICE

Application Ref: EG/34/17/CLP

To Addressee

RDVaDesign
 9 Oak End
 Arundel
 West Sussex
 BN18 9JE

Site Address

43 St Georges Walk
 Eastergate
 PO20 3XS

Description of Application

Lawful development certificate for the proposed removal of existing rear conservatory & replacement with single storey rear extension.

The Arun District Council hereby certify that on 31 August 2016, the proposed development described in the First Schedule to this certificate in respect of the land specified in the Second Schedule to this certificate and edged 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 reasons:

The proposed 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 2015 (as amended) in that it relates to "the enlargement, improvement or other alteration of a dwellinghouse)".

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. In addition, Section (f) 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 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 and would: (i) exceed 4 metres in height.

43 St Georges Walk is a mid-terraced two storey dwellinghouse. The proposed rear single storey extension is within 2m of the boundary but its eaves height is only 2.3m and its height is 3.5m (and the extension is single storey). It will only extend back 2.2m and will be at least 7.6m from the rear fence.

As such the proposed rear extension is considered to comply with Part 1 Class A and is considered to be "Permitted Development" not requiring the submission of a planning application.

However, it should be noted that this is conditional on the materials used in any exterior work being of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.

EXTENT OF USE

The proposed rear extension measures 4.7m wide, 2.2m deep and will be 2.1m 2.3m to the eaves and 3.5m to the ridge.

FIRST SCHEDULE

The development proposed is a rear single storey extension with a monopitch lean to style roof as shown on the submitted drawings received on 02 May 2017 (Drawing 03.01 Rev A "Site Plan and Elevation as Proposed"; and Drawing 03.02 "Ground Floor Plan and Typical Cross Section as Proposed").

SECOND SCHEDULE

43 St Georges Walk, Eastergate, West Sussex, PO20 3XS.

IT IS IMPORTANT THAT YOU READ THE NOTES ATTACHED TO THIS DOCUMENT

Head of Planning Services
Arun District Council
The Arun Civic Centre
Maltravers Road
Littlehampton
West Sussex BN17 5LF

Case Officer: Mr S Davis

Decision Issued: **17 July 2017**



NOTES RELATING TO CERTIFICATE OF PROPOSED LAWFUL USE OR DEVELOPMENT

TOWN & COUNTRY PLANNING ACT 1990

This certificate is issued solely for the purpose of section 192 of the Town & Country Planning Act 1990 (as amended).

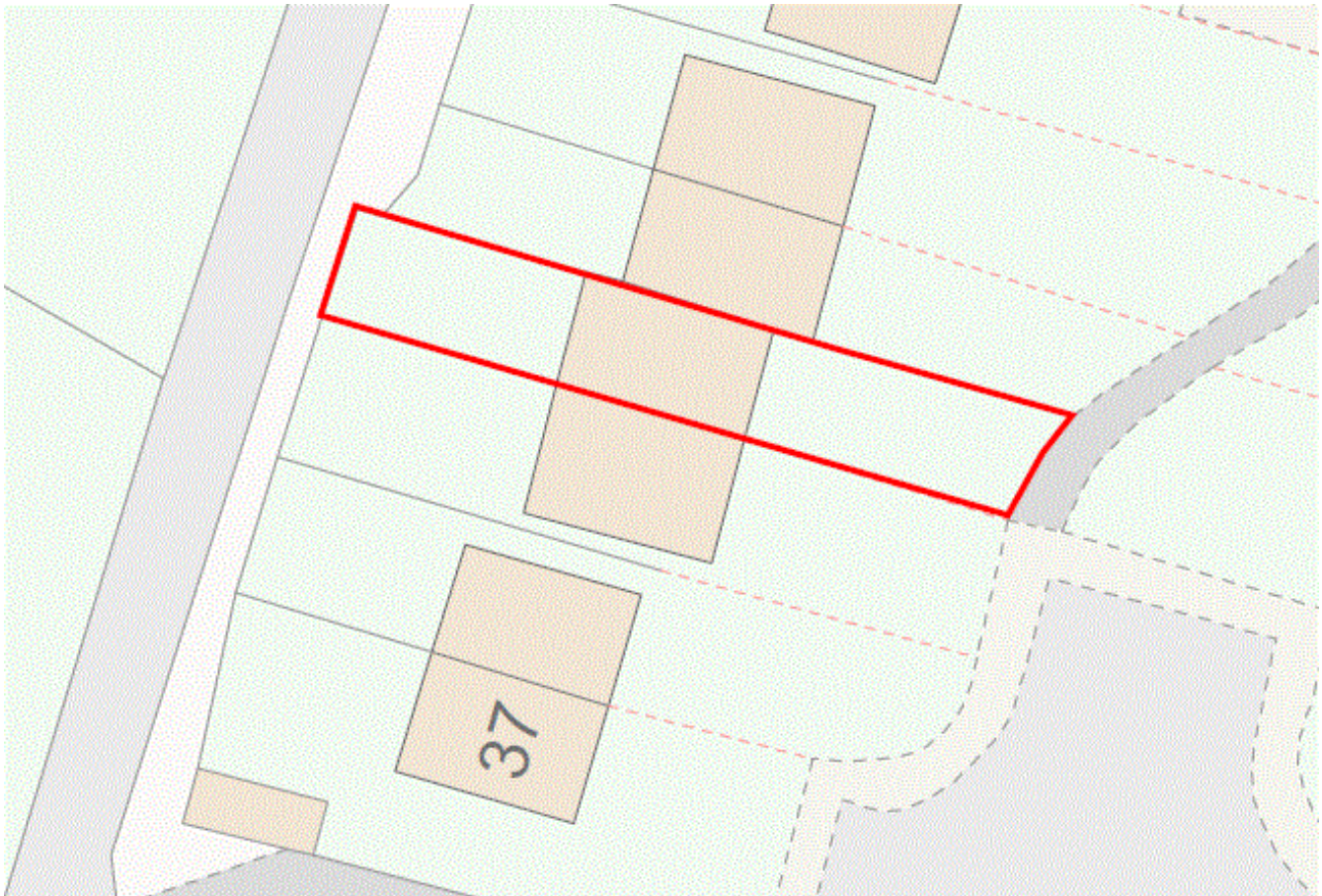
It certifies that the use, operation or matter specified in the First Schedule taking place on the land described in the Second Schedule was lawful, on the specified date and therefore, would not have been liable to enforcement action under section 172 of the 1990 Act on that date.

This Certificate applies only to the extent of the use, operation or matter described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use, operation or matter which is materially different from that described or which relates to other land may render the owner or occupier liable to enforcement action.

The effect of the certificate is also qualified by the proviso in section 192(4) of the 1990 Act, as

amended, which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations began, in any of the matters relevant to determining such lawfulness.

Please note that this decision notice only relates to matters under the Planning Acts and does not give consent under any other legislation that may apply to the development. You will need to carry out your own checks to determine whether any other consents or permissions are required. For example, the Building Regulations are likely to apply to most developments, and a Highways Licence may be required from West Sussex County Council for any development within the public highway (including the placing of skips on highway land).



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