

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

REF NO: EG/34/17/CLP

LOCATION: 43 St Georges Walk
Eastergate

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

DESCRIPTION OF APPLICATION

Proposed brick single storey extension. 2.2m deep, 4.7m wide, 3.5m to the ridge, 2.3m to the eaves. Set in from each side boundary by 0.05m. Materials to match the existing. Windows to rear only.

DESCRIPTION OF SITE AND SURROUNDINGS

Existing mid terraced property but set back slightly from the attached dwelling to the North. Grey coloured bricks with a red/brown tiled roof. UPVC Conservatory on rear elevation. Fenced rear garden. Garden shed. The area is residential in character. There is an E Class road (School Lane) to the rear.

RELEVANT SITE HISTORY

EG/33/79	Erection of 10 no houses in lieu of 7 No bungalows previously approved plus 4 No extra garages	ApproveConditionally 06-06-1979
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Application EG/33/79 varied a previous planning permission by the replacement of 7 bungalows with 10 semi-detached/terraced dwellings (nos. 41-55 St Georges Walk). The only permitted development rights removed were in respect of gates, fences, walls, other means of enclosure to the front gardens (condition 03). The property therefore benefits from permitted development rights for extensions, outbuildings and other alterations.

REPRESENTATIONS

Representations received:

None.

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 criteria contained Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The relevant class is:

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 proposal seeks permission for a single storey rear extension to replace an existing conservatory. As stated above, for an extension to be considered as permitted development it must comply with Part 1, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Criteria A.1 (A)-(F), (H) and (I) are relevant in the determination of this application. These prevent development being permitted 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;
- (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;

(K) it would consist of or include:

- (i) the construction or provision of a veranda, 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.

The addition of the rear extension does not result in more than 50% of the curtilage being covered in buildings. Furthermore, the rear extension is single storey and the house is two storeys in height. The extension is to an elevation which faces a road but this the rear elevation (and not a front or side). The extension is within 2m of the side boundary but the height of the eaves is well below 3m. The depth is only 2.2m and the rear of the extension will be 7.6m from the rear boundary. 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.

RECOMMENDATION

PP NOT REQUIRED

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.

FIRST SCHEDULE

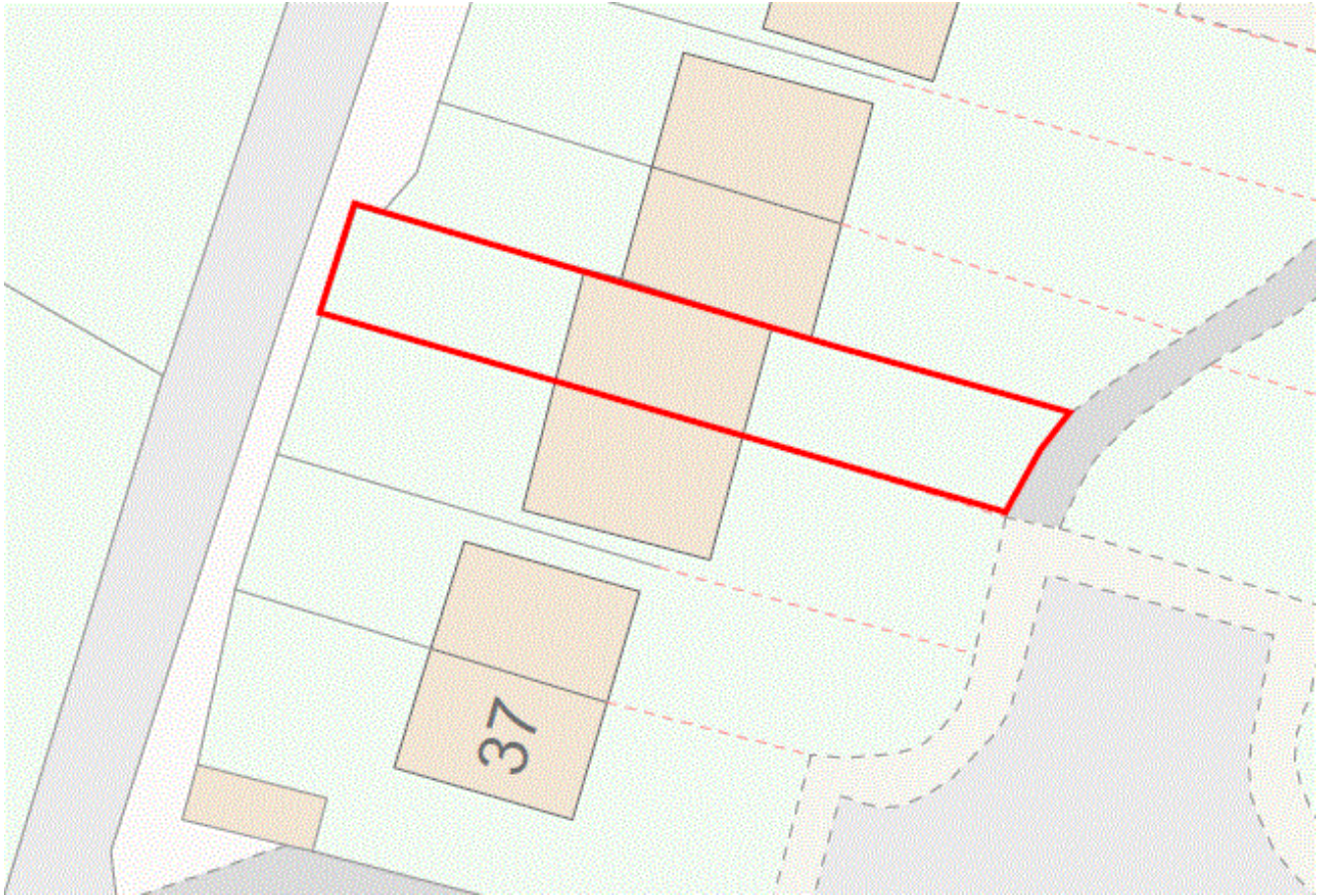
The development proposed is a rear single storey extension with a monopitch lean to style roof as shown on the submitted drawings received on 02 May 2017 (Drawing 03.01 Rev A "Site Plan and Elevation as Proposed"; and Drawing 03.02 "Ground Floor Plan and Typical Cross Section as Proposed").

SECOND SCHEDULE

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

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.



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