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

REF NO: **EP/55/18/CLP**

LOCATION: 4 The Roystons
East Preston

PROPOSAL: Lawful development certificate for a proposed single storey rear extension.

DESCRIPTION OF APPLICATION

Lawful Development Certificate for a proposed single storey rear extension. The proposed extension would measure approximately 5.2 metres in width, 4.0 metres in depth and 3.7 metres in height to the top of the lantern light.

The submitted plans show the following additional works, to that mentioned above,

- new white uPVC French Doors into the rear of the existing dwelling
- new white uPVC window to match exiting into the existing dwelling.
- White render to rear elevation and proposed extension.

DESCRIPTION OF SITE AND SURROUNDINGS

RELEVANT SITE HISTORY

EP/153/79	Change of materials for external walls from those approved under EP/103/78	ApproveConditionally 12-12-1979

REPRESENTATIONS

Representations received:
Comments on Representations received:

CONSULTATIONS

Consultations responses received:
Comments on Consultation responses:

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) (Amendment) 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

SINGLE STOREY REAR EXTESION:

The proposed single storey 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).

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);

- The host dwelling has not 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);

- 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 NOT bexceed 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;

- The proposal would have a height lower than that of the existing dwelling.

(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;

- From an assessment of the plans the eaves would match that used in the existing dwelling.

(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;

- The proposed extension would be to the rear 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;

- The prosed extension would extend beyond the rear wall of the original dwelling by approximately 4.0 metres and would have a height of 3.65 metres which would comply with (f) above.

(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;

- (g) above is not applicable

(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;

- The proposal would be single storey.

(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;

The eaves would have a height of 2.2 metres and would comply with (i) above.

(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

(ja) any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (e) to (j);

- The proposal would be to the rear elevation of the original dwellinghouse.

(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.

- The proposal would not include any of the works listed above in (k).

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.
(d) any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (b) and (c).

- The host dwelling is not sited on article 2(3) land.

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;

- Officers note that the proposal would include the addition of render. it is considered that this would be similar.

(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, or forms an upper storey on an existing enlargement of the original dwellinghouse, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.";

- The proposed extension would be single storey.

A.4 - Not applicable as the proposal would not exceed the limits in paragraph a.1(f).

The property known as 4 The Roystons, East Preston is not a listed building or within a Conservation Area. There are no conditions applied to previous planning permissions at the property which would restrict permitted development rights at the property. The proposed extension would be of materials similar to that of the existing.

The proposed single storey rear extension complies with relevant sections and is considered to be 'Permitted Development' and as such does not require the submission of an application for planning permission.

Addition of French Doors and a window in the existing dwelling is considered to be acceptable and comply with the above legislation.

As such the proposal would comply with the limitations of Schedule 2 Part 1 Class A of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) and would not be Lawful within the meaning of section 192 of the Town & Country Planning Act 1990.

RECOMMENDATION

PP NOT REQUIRED

The Arun District Council hereby certify that on 13/04/2018 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, would have been lawful within the meaning of section 192 of the Town & Country Planning Act 1990 for the following reasons:

From an assessment of the plans The proposed structure would comply with the limitations of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

FIRST SCHEDULE

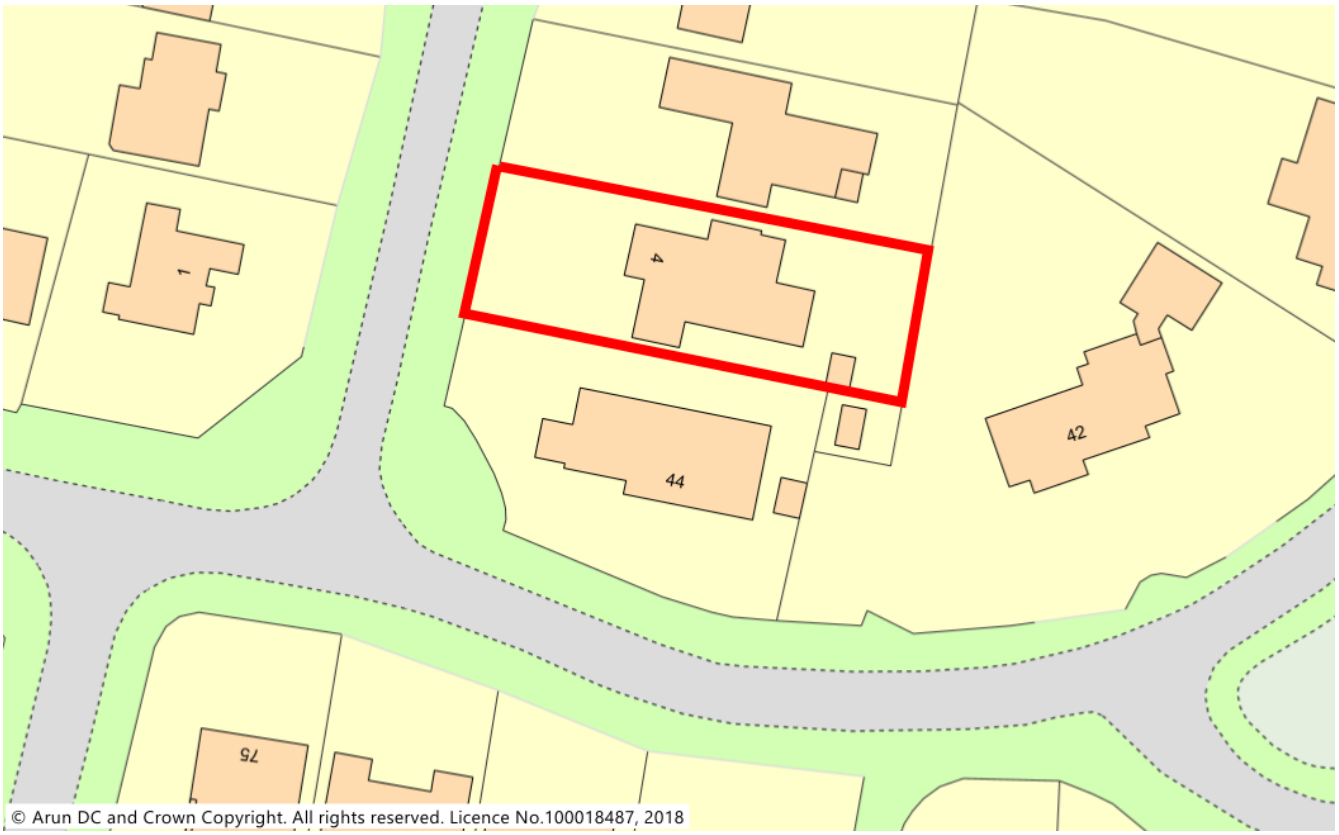
EP/55/18/CLP

The development proposed is a single storey flat roofed rear extension with lantern light to roof as shown on the submitted drawings:

662.18/01 A
662.18/02 A
662.18/03 A
662.18/04 A
662.18/04 A1
662.18/LP
662.18/PHOTOS Revision A

SECOND SCHEDULE
4 The Roystons, Willowhayne Estate, East Preston, BN16 2TF

Single storey rear extension. The proposed extension would measure approximately 5.2 metres in width, 4.0 metres in depth and 3.65 metres in height to the top of the lantern light.



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