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

REF NO: **FG/185/17/CLP**

LOCATION: 10 Chalet Road
Ferring

PROPOSAL: Lawful development certificate for a proposed rear extension.

DESCRIPTION OF APPLICATION

It is proposed to erect an 11.3m wide single storey rear extension across the whole of the rear of the dwelling. This would be 4m deep and would have a flat roof with mock pitch surrounding. Eaves height would be the same as the dwelling and would measure 3.1m. Height of the top ('ridge') of the mock pitch would be 3.3m. Materials are proposed to match those of the existing dwelling.

DESCRIPTION OF SITE AND SURROUNDINGS

The site is occupied by a detached bungalow with detached garage and parking to the front. The dwelling has a rear lean to conservatory. The dwelling It is rendered and has a roof of small plain tiles. The site is located within a residential area of mixed dwelling types, materials and designs.

RELEVANT SITE HISTORY

No planning history.

REPRESENTATIONS

Representations received:

No representations.

Comments on Representations received:

N/A

CONSULTATIONS

Consultations responses received:

No Consultees.

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) (Amendment) (No. 2) (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 RELEVANT PART OF THE GPDO

Schedule 2, Part 1, Class A;
"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) fronts a highway, and
(ii) forms either the principle elevation or 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 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 one 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 one 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 the materials used in the construction of a conservatory) shall 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 1.7M above the floor of the room in which the window is installed; and
(c) where the enlarged part of the dwellinghouse has more than one storey, the roof pitch of the enlarged part shall, so far as practicable, be the same as the roof pitch of the original dwellinghouse."

THE PROPOSED REAR EXTENSION
The proposed rear extension satisfies criteria and conditions set out with Class A. The site is not located on article 2(3) land and is not a Listed Building. There is no restriction on permitted development rights by means of a condition or Direction.

The proposed single storey rear extension to the rear of the dwelling is therefore considered to accord with the limitations of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) and is considered to be 'permitted development', as such this proposal does not require an application for planning permission.

FG/185/17/CLP

RECOMMENDATION

PP NOT REQUIRED

The Arun District Council hereby certify that on 6th December 2017 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 is lawful within the meaning of section 192 of the Town & Country Planning Act 1990 for the following reason:

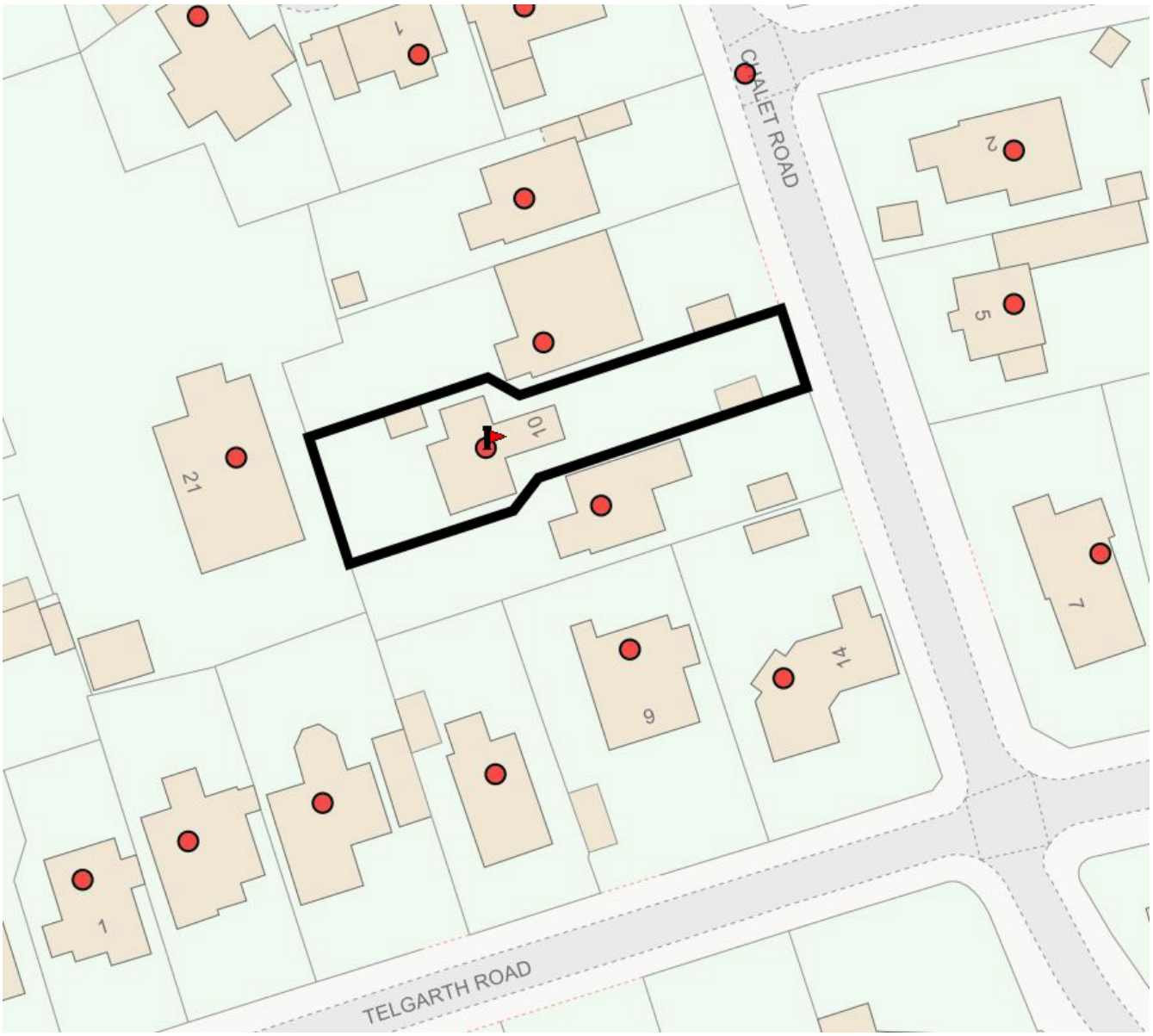
The proposed extension by virtue of its size and location and materials is in accordance with Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

FIRST SCHEDULE
Construction of a single storey rear extension in accordance with the limitations of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) as detailed on submitted drawing:

Drawing Number JW/17/078 Dated September 2017

SECOND SCHEDULE
10 Chalet Road, Ferring, West Sussex BN12 5NY

EXTENT OF USE
An 11.3m wide single storey rear extension across the whole of the rear of the dwelling. To be 4m deep and have a flat roof with mock pitch surrounding. Eaves height the same as the existing dwelling and at 3.1m. Height of the top ('ridge') of the mock pitch to be 3.3m. Materials to match those of the existing dwelling.



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