CERTIFICATE OF LAWFUL PROPOSED DEVELOPMENT REPORT

REF NO: **FN/15/10/CLP**

LOCATION: 8 Fox Lea
Findon

PROPOSAL: Application for certificate of lawfulness for a proposed use for the construction of a single storey extension to the existing dwelling

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The proposal involves the formation of two single-storey extensions to the rear of the existing property, these would be positioned either side of the existing dining room. The extension to the east of the dining room would measure 5.15 metres in width by 2.6 metres in depth. The extension to the west of the dining room, which is in the form of a conservatory, would measure 5.95 metres in width, projecting 1.8 metres from the side elevation of the original dwelling, and by 2.95 metres in depth. The ridge height of both extensions is 3.7 metres and the eaves height is 2.3 metres.
SITE AREA	Approximately 1125 square metres.
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	The site slopes downwards from east to west and as at a lower level than land to the north.
TREES	None
BOUNDARY TREATMENT	The front of the site is open. The rear is enclosed by hedging of varying heights but generally 2 metres or above.
SITE CHARACTERISTICS	The site is occupied by a detached two-storey dwelling which has brown brick elevation walls with red tile hanging at first floor level to the front and a tiled sussex-hipped roof. There is a detached double garage block to the side which also has a sussex-hipped roof. There is a single-storey pitched roof extension to the rear.
CHARACTER OF LOCALITY	The site is located at the end of a residential cul-de-sac which is characterised by large detached dwellings which are arranged in groups of two's with fairly large, landscaped gaps between each group. The site lies within an Area of Outstanding Natural Beauty.

RELEVANT SITE HISTORY

None

REPRESENTATIONS

Representations received:

None

Comments on Representations received:

None

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

None

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

The purpose of the application is to determine whether it is deemed as Permitted Development. The decision would be based on facts rather than against Development Plan policies and would be assessed against the criteria set out in The Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008, Part 1, Class A - The enlargement, improvement or other alteration of a dwellinghouse.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

The application seeks confirmation of whether the proposed development would require planning permission or not. Therefore, the proposal will be assessed against the criteria of The Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008, Part 1, Class A - The enlargement, improvement or other alteration of a dwellinghouse.

It is noted that the proposal satisfies the general criteria set out in A.1 in that

- it would not occupy greater than 50% of the total area of the curtilage of the site (not including the original dwelling);

- it would not extend more than 4 metres back from the rear wall of the original dwelling;

- the overall height would not exceed 4 metres;

- the eaves height would not exceed 3 metres;

- the western extension would extend beyond a side wall of the original dwelling but its width, at would not be as great as half the width of the original dwellinghouse which is 13.3 metres.

However, the site is within an Area of Outstanding Natural Beauty and is therefore deemed class 1(5) land under The Town and Country Planning (General Permitted Development) Order 1995 Schedule 1, Article 1, Part 2. As the proposal extends beyond the western elevation of the original dwellinghouse it conflicts with criterion A.2 (b) of The Town and Country Planning (General

Permitted Development) (Amendment) (No. 2) (England) Order 2008, Part 1, Class A which states that development is not permitted on article 1(5) land if -

the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse

As such, the proposal does not constitute permitted development and planning permission would be required in order for it to be lawful development.

RECOMMENDATION

PLANNING PERMISSION REQUIRED

1 The proposed extension would not constitute "Permitted Development" under The Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 under Schedule 2 Part 1 Class A.2 as:

(a) the site is on Article 1(5) land (within an Area of Outstanding Natural Beauty) and the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse.