

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

REF NO: FP/201/12/CLP

LOCATION: 10 Croft Way
Bognor Regis
West Sussex

PROPOSAL: Application for Certificate of Lawfulness for a proposed use - side carport

DESCRIPTION OF APPLICATION

The proposed application seeks to construct a car port on the west side elevation of the dwelling. It measures approximately 1.75m in width, depth of 7.15m and a height of 2.5m.

DESCRIPTION OF SITE AND SURROUNDINGS

The detached two storey property is sited within a residential road comprising detached properties of various styles and designs. The property is currently being extended with a single storey side extension and rear two storey extension. The dwelling has white rendered walls, red tiled roof with white window frames.

LEGISLATIVE BACKGROUND

Principle

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 development 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.

CONCLUSIONS

The proposed side extension will be sited on the western side of the dwelling and will extend along the side wall of the original dwellinghouse and will be set in line with the rear wall of the two storey extension currently being erected which has a rear projection of 4m.

The proposed development is considered to fall under Schedule 2 Part 1 Class A of the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 in that it relates to the enlargement, improvement or other alteration of a dwellinghouse.

Section (e) 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.

No 10 Croft Way is a detached dwelling. Part of the extension would be sited along the side wall

of the original dwellinghouse. However, its rear projection taken from the rear wall of the entrance hall would be more than 4m in depth (7.2m).

This extension is not considered to be "Permitted Development" and requires planning permission.

RECOMMENDATION

REASONS FOR REFUSAL OR INFORMATIVE(S)

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

Section (e) 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.

It would fail under Section (e)(i) in that its rear projection taken from the rear wall of the entrance hall would be more than 4m in depth.

Planning Permission is therefore required.