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

REF NO: **LU/20/18/CLP**

LOCATION: 64 Armada Way
Littlehampton

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

DESCRIPTION OF APPLICATION

It is proposed to erect a single storey rear extension. This would be 3m deep and 4.39m in width. The roof would be flat with a slight slope for water run off. Maximum height at the rear wall of the dwelling would be 2.9m and at rear eaves 2.8m. A modest lantern type roof light is also proposed, this would rise 0.4m above the sloping roof. The agent has confirmed that the materials to be used will be of a similar appearance to the existing property.

DESCRIPTION OF SITE AND SURROUNDINGS

The site is within a residential area and is a two storey terraced dwelling in a terrace of six dwellings. The end pair in the terrace are slightly set forward of the rest of the terrace. Materials at the front and the rear appear to be render at first floor, with red brick.at ground floor. The roof is of red/brown profiled tiles

There is a brick built garage at the rear of the plot, thjis faces onto a shared access way which is not adopted.

RELEVANT SITE HISTORY

None.

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 development to the rear of the dwelling is therefore considered to be 'permitted development' and as such this proposal does not require an application for planning permission.

RECOMMENDATION

PP NOT REQUIRED

The Arun District Council hereby certify that on 30 January 2018 that 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, is lawful within the meaning of section 192 of the Town & Country Planning Act 1990 for the following reason:

The proposed rear 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).

Planning permission is not therefore required for the proposed rear extension.

FIRST SCHEDULE
Construction of a single storey rear extension. This would be 3m deep and 4.39m in width. The roof would be flat with a slight slope for water run off. Maximum height at the rear wall of the dwelling would be 2.9m and at rear eaves 2.8m. A modest lantern type roof light is also included and this would rise 0.4m above the sloping roof. The materials to be used will be of a similar appearance to the existing property.

Rear extension to be constructed in accordance with the following drawings and email:

Drawing - Proposed Site & Roof Plans - Received with Application
Drawing - Proposed Plan, Elevations & Section - Received with application
Email Dated 28 March 2018 - Use of Materials of Similar Appearance to Existing Dwelling

SECOND SCHEDULE
64 Armada Way, Littlehampton, West Sussex BN17 6QY

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