

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

REF NO: LU/25/13/CLP

LOCATION: 53 Tideway
Littlehampton

PROPOSAL: Application for a certificate of lawfulness for a proposed single storey side extension

DESCRIPTION OF APPLICATION

As above.

DESCRIPTION OF SITE AND SURROUNDINGS

Two storey detached bungalow with attached two storey garage at front. Garage is distinct from dwelling. Brick on ground floor, shingle and render at first floor, tile roof.

RELEVANT SITE HISTORY

LU/44/08/	Single storey side extension	Approve Conditionally 28-03-2008
LU/330/76	Erection of one dwelling	Approve Conditionally 29-10-1976

REPRESENTATIONS

Representations received:

Comments on Representations received:

CONSULTATIONS

Consultations responses received:

Comments on Consultation responses:

LEGISLATIVE BACKGROUND

Principle

Section 191 to 195 Town & Country Planning Act 1990 and DOE Circular 10/97 Annex 8 have the effect of requiring these applications to be determined having regard only to the evidence adduced and not planning policy.

CONCLUSIONS

The application seeks a Certificate of Proposed Lawfulness for a side extension.

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

Class A.1 states that development is not permitted if

- (a) 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);
- (b) 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;
- (c) 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;
- (d) the enlarged part of the dwellinghouse would extend beyond a wall which
 - (i) fronts a highway, and
 - (ii) forms either the principal elevation or a side elevation of the original dwellinghouse;
- (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;
- (f) the enlarged part of the dwellinghouse would have more than one 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;
- (g) 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;
- (h) 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
- (i) it would consist of or include
 - (i) the construction or provision of a veranda, 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 proposed side extension would not result in the total ground covered by buildings within the curtilage of the dwellinghouse exceeding 50% of the total area of the curtilage. The proposal therefore complies with Class A.1(a).

The height of the proposed extension does not exceed the height of the highest part of the roof of the existing dwellinghouse. The proposal therefore complies with Class A.1(b).

The height of the eaves of the extension does not exceed the height of the eaves of the existing dwellinghouse. The proposal therefore complies with Class A.1(c).

The proposed extension does not front a highway and therefore complies with Class A.1(d).

The proposed extension is not to a rear elevation of the original dwelling and therefore complies with Class A.1(e) and (f).

The height of the eaves does not exceed 3m and therefore the proposal complies with A.1(g).

The proposed extension does not exceed 4m in height, is single storey and is less than half the width of the original dwellinghouse and therefore complies with Class A.1(h).

The proposal does not include construction of a veranda, balcony or raised platform, a microwave antenna, a chimney, flue or vent pipe or an alteration to any part of the dwellinghouse. The proposal therefore complies with A.1(i).

Class A.3 states that development is permitted by Class A.1 subject to conditions to ensure that external materials are of a similar appearance to those of the exterior of the existing dwellinghouse. The proposal complies with the above conditions as per notations on the submitted plans.

SUMMARY

The proposed development would therefore accord with Class A.1 of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 and is therefore deemed to be Permitted Development.

RECOMMENDATION

PP NOT REQUIRED

The Arun District Council hereby certify that on 28 February 2013 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 black on the plan attached to this certificate, was lawful within the meaning of section 192 of the Town & Country Planning Act 1990 for the following reasons:

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

Class A.1 states that development is not permitted if

- (a) 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);**
- (b) 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;**
- (c) 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;**
- (d) the enlarged part of the dwellinghouse would extend beyond a wall which**
- (i) fronts a highway, and**

- (ii) forms either the principal elevation or a side elevation of the original dwellinghouse;**
- (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;**
- (f) the enlarged part of the dwellinghouse would have more than one 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;**
- (g) 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;**
- (h) 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**
 - (i) it would consist of or include**
 - (i) the construction or provision of a veranda, 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 proposed side extension would not result in the total ground covered by buildings within the curtilage of the dwellinghouse exceeding 50% of the total area of the curtilage. The proposal therefore complies with Class A.1(a).

The height of the proposed extension does not exceed the height of the highest part of the roof of the existing dwellinghouse. The proposal therefore complies with Class A.1(b).

The height of the eaves of the extension does not exceed the height of the eaves of the existing dwellinghouse. The proposal therefore complies with Class A.1(c).

The proposed extension does not front a highway and therefore complies with Class A.1(d).

The proposed extension is not to a rear elevation of the original dwelling and therefore complies with Class A.1(e) and (f).

The height of the eaves does not exceed 3m and therefore the proposal complies with A.1(g).

The proposed extension does not exceed 4m in height, is single storey and is less than half the width of the original dwellinghouse and therefore complies with Class A.1(h).

The proposal does not include construction of a veranda, balcony or raised platform, a microwave antenna, a chimney, flue or vent pipe or an alteration to any part of the dwellinghouse. The proposal therefore complies with A.1(i).

Class A.3 states that development is permitted by Class A.1 subject to conditions to ensure that external materials are of a similar appearance to those of the exterior of the existing dwellinghouse. The proposal complies with the above conditions as per notations on the submitted plans.

SUMMARY

The proposed development would therefore accord with Class A.1 of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 and is therefore deemed to be Permitted Development.

FIRST SCHEDULE

The proposed side extension measures 2.5m wide x 6.9m deep x 2.55m high at eaves and 3.5m high at ridge.

SECOND SCHEDULE

53 Tideway, Littlehampton, BN17 6PP

EXTENT OF USE

The 'development' proposed is for a single storey side extension, as detailed in the plans submitted with the application.



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