

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

REF NO: LU/27/14/CLP

LOCATION: 39 Parkside Avenue
Littlehampton

PROPOSAL: Application for certificate of lawfulness for a proposed kitchen extension

DESCRIPTION OF APPLICATION

The proposal is a single storey rear extension measuring 4.6m in length, 3m in width and 2.9m in height. The eaves height will be 2.5m above ground level and it will be set at approximately 1m from the nearest boundary.

DESCRIPTION OF SITE AND SURROUNDINGS

The site consists of a two storey semi-detached property with brown brick and rendered elevations and a hipped roof with plain brown tiles. There is a recessed porch and an attached garage on the property.

RELEVANT SITE HISTORY

REPRESENTATIONS

Representations received:

None

Comments on Representations received:

None

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

None

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 criteria contained within The Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order

2008, Part 1.

- 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 Town and Country Planning (General Permitted Development)(Amendment)(No. 2)(England) Order 2008 Article 3 Schedule 2 Part 1 Class A is considered applicable for the proposed single storey rear extension and will be set out in this section in order to determine whether the structure is Permitted Development.

Class A (a) states that the cumulative amount of ground covered by any extensions should not exceed 50% of the total area of the curtilage (not including the original dwellinghouse). It is considered based on the submitted plans and site observations that this criteria is met.

Class A (b) refers to development not exceeding the highest part of the existing roof. The extension is single storey and so will not exceed the existing roof height.

Class A (c) states that the eaves height does not exceed the height of the eaves of the existing house. The eaves of the proposed extension are below the eaves of the house and so this criteria is met.

Class A (d) states that development should not extend beyond a wall which (i) fronts a highway and (ii) forms either the principal elevation or a side elevation of the original dwellinghouse. The extension is situated to the rear and so this requirement is fulfilled.

Class A (e) specifies that the extension should be single storey and not exceed 3m beyond the rear wall in the case of a semi-detached house with a height less than 4m. The proposed extension extends beyond the rear wall of the garage by 1.5m and will not extend beyond the rear wall of the property. At 2.9m in height, it is considered that this criteria is satisfied.

Class A (f) refers to extensions of more than one storey which is not applicable to this form of development.

Class A (g) refers to extensions being built within 2m from a boundary and the eaves height should not then exceed 3m. Based on the submitted plans, the extension would be situated within a metre from the nearest boundary (south) but the eaves would not exceed 3m as measured to be 2.5m and so this requirement is met.

Class A (h) concerns side extensions which does not apply to this rear extension.

Class A (i) refers to the construction or provision of a veranda, balcony or raised platform which are not being proposed and so this criteria is met. The remaining criteria in this subsection (ii - iv)

are not considered applicable to this proposal.

Under A.2, the property is not on Article 1(5) land and so this does not apply.

Under Conditions of the build, A3 (a) states that the materials used in any exterior work shall be of a similar appearance to those used in the construction of the property. It is noted from the application that no mention of materials is made. Therefore, the applicant is advised to note this requirement to ensure that the structure can be built under Permitted Development. The remaining two conditions (b) and (c) do not apply to this proposal.

The single storey rear extension is therefore considered "Permitted Development".

RECOMMENDATION

PP NOT REQUIRED

The Arun District Council hereby certify that on 28th March 2014 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 and Country Planning Act 1990 for the reason that the single storey rear extension is Permitted Development under Class A of the General (Permitted Development) Order 2008.

FIRST SCHEDULE

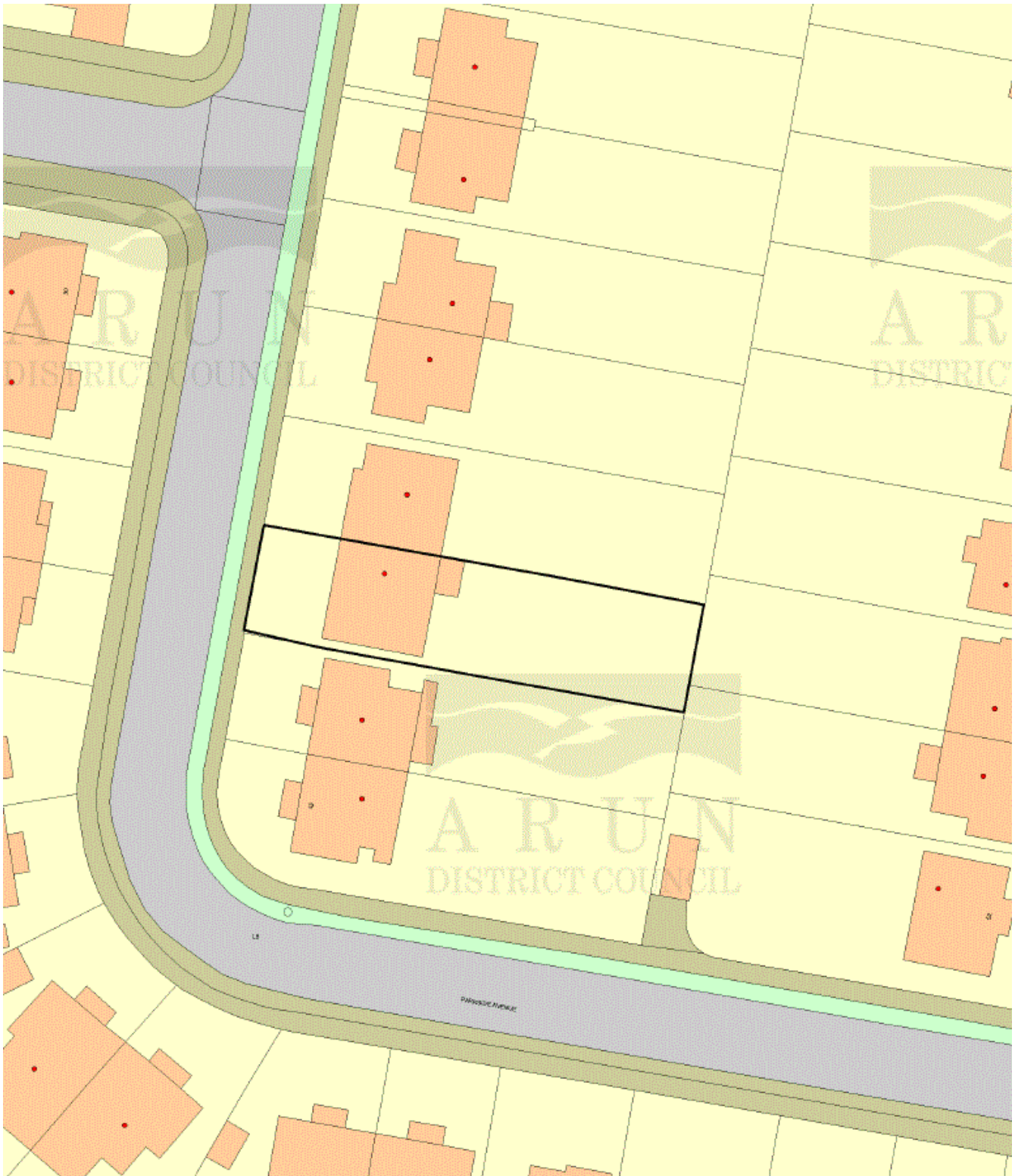
The single storey rear extension measures 4.6m in length, 3m in width and 2.9m in height. The eaves height will be 2.5m above ground level.

SECOND SCHEDULE

39 Parkside Avenue, Littlehampton, BN17 6BQ.

EXTENT OF USE

The "development" involves the erection of a single storey rear extension at the property.



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