

Recommendation Report for Lawful Development Certificate for a Proposed Use or Development**REF NO:** M/131/21/CLP**LOCATION:** 3 Juniper Close
Middleton-On-Sea
PO22 6SD**PROPOSAL:** Lawful development certificate for the proposed replacement of rear conservatory with single storey extension and conversion of garage to habitable space.**DESCRIPTION OF APPLICATION**

This application seeks to replace a conservatory to the rear with a single storey rear extension which would extend across the rear elevation of the original dwelling measuring 6.85m in width by 3m in depth and would be characterised by lean to roof 3.5m high to the pitch and 2.4m to the eaves with 2 roof-lights inserted. High level window would be inserted on the east elevation and sliding doors on the west elevation of the proposed rear extension. The existing door and window on the east elevation at ground floor level would be replaced with a high raised window and one window would be inserted on the western flank elevation at the ground floor level. The garage door on the front elevation would be replaced with a large window due to conversion of an integrated garage into habitable room.

RELEVANT SITE HISTORY

M/93/87	Application under Regulation 5 of the Town & Country Planning General Regulation 1976. Outline application for residential development.	No Objection 24-09-87
---------	---	--------------------------

REPRESENTATIONS**Representations Received:****CONSULTATIONS****Consultations Responses Received:****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) (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 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.

CONCLUSION

The single storey extension is considered to fall under Schedule 2 part 1 class A of the Town and Country Planning (General Permitted Development) (England) Order 2015.

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) forms the principal elevation of the original dwellinghouse; or
 - (ii) fronts a highway and forms 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) 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 original 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 being enlarged which is

opposite the rear wall of that 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 a single storey, or
 - (iii) have a width greater than half the width of the original dwellinghouse; or
- (ja) any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (e) to (j);
- (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 a single storey and extend beyond the rear wall of the original dwellinghouse.
- (d) any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (b) and (c).

A.3 Development is permitted by Class A subject to the following conditions-

- (a) the materials used in any exterior work (other than materials used in the construction of a conservatory) must 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 1.7metres above the floor of the room in which the window is installed; and
- (c) where the enlarged part of the dwellinghouse has more than a single storey, or forms an upper storey on an existing enlargement of the original dwellinghouse, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.

3 Juniper Close is a detached property and is not listed or within a conservation area. The proposed extension would be of materials to match that of the existing.

After examination of the site history it was found out that the dwelling is a part of a development comprising 173 dwellings approved under reference M/26/90 and Condition 16 was imposed to the above application:

'The buildings shall not be occupied until the parking spaces, turning facilities and garages shown on the

submitted plans have been provided and constructed. The areas of land so provided shall not thereafter be used for any purpose other than the parking, turning and garaging of vehicles.

REASON : To ensure that adequate and satisfactory provision is made for the accommodation of vehicles clear of the highways.

The proposed single storey extension complies with relevant sections A.1 and A.3 and is considered permitted development and as such does not require the submission of an application for full planning permission.

However the conversion of an integrated garage conflicts with the requirement of condition 16 imposed to the planning application M/26/90. Therefore the conversion of an existing garage to habitable room does require the submission of an application for full planning permission.

RECOMMENDATION

PP REQUIRED

The Arun District Council hereby certify that on 14th October 2021 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, was not lawful within the meaning of section 192 of the Town & Country Planning Act 1990 by reason of conflict with condition 16 imposed to planning permission reference M/26/90 relating to the use of the garage.

FIRST SCHEDULE

Whilst the extension is considered to fall under Schedule 2 Part 1 of the GDPO, the conversion of the garage conflicts with the requirement of condition 16 imposed on M/26/90.

The development hereby refused was based on the following plans:

- Proposed Floor and Roof Plan, Dwg No A104;
- Proposed Elevations, Dwg No A102;
- Block Plan, Dwg No B01;
- Location Plan Dwg No L01.

SECOND SCHEDULE

3 Juniper Close, Middleton-On-Sea

EXTENT OF USE

Single storey rear extension measuring 6.85m in width by 3m in depth and would be characterised by lean to roof 3.5m high to the pitch and 2.4m to the eaves and conversion of an integral garage to habitable space.

M/131/21/CLP - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



Based on the Ordnance Survey mapping with permission of the Controller of Her Majesty's Stationery Office © Crown Copyright.
Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Arun District Council
100018487. 2015