



Town & Country Planning Act 1990 (as amended)
Town & Country Planning (Development Management Procedure) (England)
Order 2010 (as amended) - Article 35
Application for Certificate of Lawfulness for a Proposed use or Operation
DECISION NOTICE

Application Ref: P/116/14/CLP

To Addressee

Tony Rogers Building Consultant
 40 Dawn Crescent
 Upper Beeding
 West Sussex
 BN44 3WH

Site Address

81 Church Way
 Bognor Regis
 PO21 4QX

Description of Application

Application for a certificate of lawfulness for a proposed single storey rear extension

The Arun District Council hereby certify that on the 11th December 2014 the proposed development described 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 development as proposed falls under Schedule 2 Part 1 Class A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) in that it relates to the enlargement, improvement or other alteration of a dwellinghouse.

Development is not permitted by Class A if:

(za) permission of the dwellinghouse as a dwellinghouse has been granted only be virtue of Class 1A or MB of Part 3 of this Schedule (changes of use);

(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 eaves 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) subject to paragraph (ea), 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.

(ea) until 30th May 2016, for a dwellinghouse not on Article 1(5) 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;

(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

(l) 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 1(5) 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;

Conditions

A.3 Development is not 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) to be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.

The property known as 81 Church Way is a detached bungalow and is not within Article 1(5) land. Permitted Development rights regarding extensions have not been removed from this property. The proposed single storey extension is sited on the rear elevation more than 2m from neighbouring boundaries. It has a rear projection of 4m and the hipped roof has a maximum height of 3.3m, eaves height of 2.3m.

The proposed single storey rear extension complies with Section (za) (e)(i)(ii) and Section (g) and subject to Conditions A.3 that the materials to be used in the exterior would be of a similar appearance to those used in the construction of the dwellinghouse.

The proposed extension is considered to be "Permitted Development", and as such does not require planning permission.

EXTENT OF USE

The rear single storey extension measures approximately 10m in width, depth of 4m with a maximum height of 3.3m, eaves height of 2.3m.

FIRST SCHEDULE

The development is for a rear single storey extension as detailed on the submitted drawings:

Location 1:1250.

Block 1:500.

Site 1:200 Drg No 14/974/02.

Floor/Elevations/Roof/Section 1:50, 1:100 Drg No 14/974/02 dt November 2014.

SECOND SCHEDULE

81, Church Way, Pagham, Bognor Regis, West Sussex, PO21 4QX.

IT IS IMPORTANT THAT YOU READ THE NOTES ATTACHED TO THIS DOCUMENT

Head of Planning Services
Arun District Council
The Arun Civic Centre
Maltravers Road
Littlehampton
West Sussex BN17 5LF

Case Officer: Mrs J Chapman

Decision Issued: **30 January 2015**



NOTES RELATING TO CERTIFICATE OF PROPOSED LAWFUL USE OR DEVELOPMENT

TOWN & COUNTRY PLANNING ACT 1990

This certificate is issued solely for the purpose of section 192 of the Town & Country Planning Act 1990 (as amended).

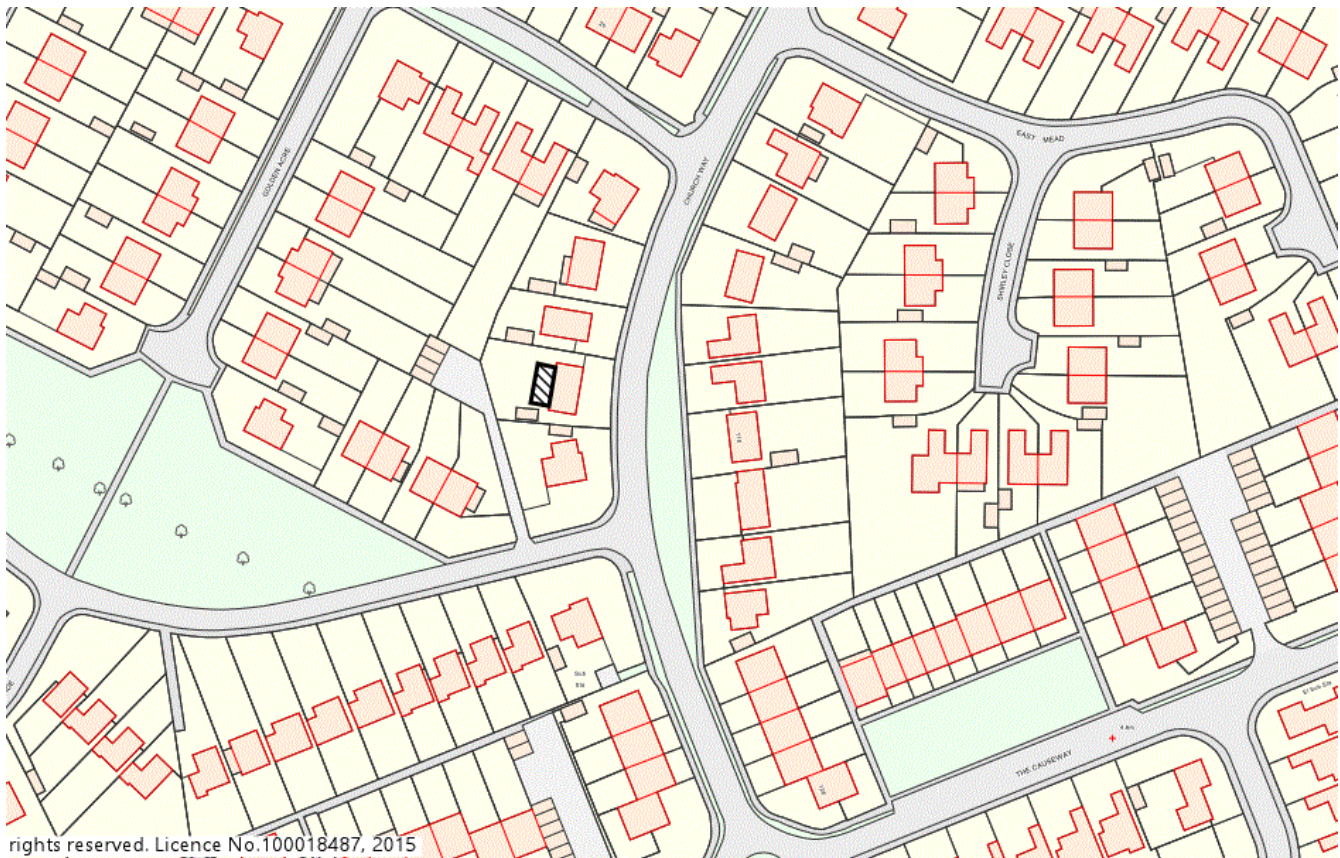
It certifies that the use, operation or matter specified in the First Schedule taking place on the land described in the Second Schedule was lawful, on the specified date and therefore, would not have been liable to enforcement action under section 172 of the 1990 Act on that date.

This Certificate applies only to the extent of the use, operation or matter described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan.

Any use, operation or matter which is materially different from that described or which relates to other land may render the owner or occupier liable to enforcement action.

The effect of the certificate is also qualified by the proviso in section 192(4) of the 1990 Act, as amended, which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations began, in any of the matters relevant to determining such lawfulness.

Please note that this decision notice only relates to matters under the Planning Acts and does not give consent under any other legislation that may apply to the development. You will need to carry out your own checks to determine whether any other consents or permissions are required. For example, the Building Regulations are likely to apply to most developments, and a Highways Licence may be required from West Sussex County Council for any development within the public highway (including the placing of skips on highway land).



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