

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

REF NO: P/116/14/CLP

LOCATION: 81 Church Way
Bognor Regis

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

DESCRIPTION OF APPLICATION

Single storey rear extension with a hipped roof.

DESCRIPTION OF SITE AND SURROUNDINGS

Detached bungalow with front porch, detached single garage on south side. The property has brown brickwork, tiled roof with white window frames.

Residential area comprising detached and semi-detached properties predominantly bungalows of similar style and design.

RELEVANT SITE HISTORY

P/56/62	14 detached bungalows type B248/A with garage positions	ApproveConditionally 06-02-1963
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REPRESENTATIONS

Representations received:

N/A

Comments on Representations received:

N/A

CONSULTATIONS

Consultations responses received:

N/A

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 2 criteria contained within The Town and Country Planning (General Permitted Development) Order 1995 (as amended) 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 proposed single storey rear extension is considered to fall under Schedule 2 Part 1 Class A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).

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 by 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 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. There have been no Permitted Development rights removed for extensions. 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.

RECOMMENDATION

PP NOT REQUIRED

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 by 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.

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.

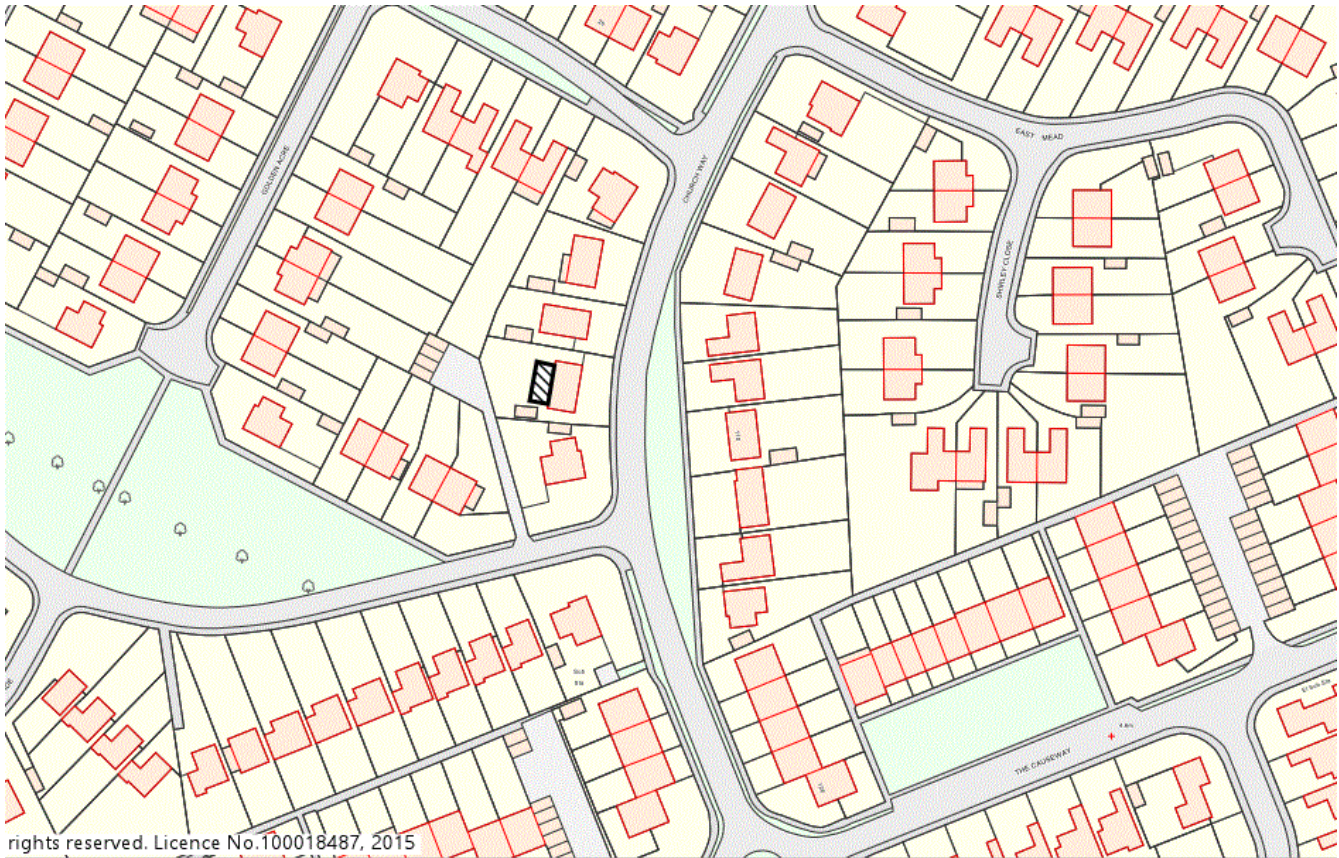
Floor/Elevations/Roof/Section 1:50, 1:100 Drg No 14/974/02 dt November 2014.

SECOND SCHEDULE

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

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.



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