

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

REF NO: P/69/17/CLP

LOCATION: 11 Well Road
Pagham

PROPOSAL: Lawful development certificate for a proposed side extension.

DESCRIPTION OF APPLICATION

It is proposed to add a single storey side extension to the western side of the dwelling. This will be predominantly flat roofed (height of 2.9m) but with a 2.3m section of pitched roof (3.7m high) at the front. The extension will be 10.6m deep with a varied width of 2.3m (front) and 1.6m (rear). Three roof raised skylights are proposed along with a new window to the front and a door to the rear. The extension will enlarge two existing bedrooms and create new en-suite bathrooms for each.

DESCRIPTION OF SITE AND SURROUNDINGS

Predominantly flat site comprising of a brick & cream smooth rendered bungalow with shallow hard surfaced front garden. Garage and driveway located on the eastern side of the dwelling. Close boarded fencing to the affected side of between 1.8 and 2m. The existing gap on the western side of the dwelling (which is the 'site' of the extension) narrows towards the rear. Located within a private residential estate and designated Area of Special Character.

RELEVANT SITE HISTORY

P/21/01/	1 No. 2 bedroom bungalow with garage	ApproveConditionally 05-06-2001
P/110/01/	1 no. 2 bedroom bungalow with garage (Amendment to P/21/01)	ApproveConditionally 09-11-2001

Both P/21/01 and P/110/01 (which was an amendment to P/21/01) included conditions removing permitted development rights for extensions & alterations.

REPRESENTATIONS

Representations received:

None.

Comments on Representations received:

N/A.

CONSULTATIONS

Consultations responses received:

None.

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 the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2015 (as amended). The relevant Class with Schedule 2, Part 1 is:

- 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 proposal seeks permission for a single storey side extension. As stated above, for an extension to be considered as permitted development it must comply with Schedule 2, Part 1, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

However, permitted development rights were removed by a condition imposed on the original planning permission for the dwelling and therefore the proposal cannot be assessed against the criteria in paragraph A.2 and the extension is not therefore capable of being treated as permitted development.

RECOMMENDATION

PP REQUIRED

The Arun District Council hereby certify that on 11-07-2017, the side extension 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, would not have been lawful within the meaning of section 192 of the Town & Country Planning Act 1990 for the following reason:-

The proposed structure does not comply with the limitations of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) because permitted development rights for extension and alterations were removed by condition 03 of application P/21/01/ (and then again by condition 03 of

P/110/01/).

FIRST SCHEDULE

The development proposed is a single storey side extension with a part flat, part pitched roof as shown on the submitted drawing "Location Plan, Block Plan, Proposed Floorplan, Proposed Elevations" (Sheet 1 of 2) received on the 11th July 2017.

SECOND SCHEDULE

11 Well Road, Pagham, West Sussex, PO21 4SR

EXTENT OF USE

A proposed single storey side extension on the western side measuring 10.6m deep, 1.6m to 2.3m wide and with a mixed flat and pitched roof of either 2.9m or 3.7m height.



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