

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

REF NO: R/113/17/CLP

LOCATION: Amberley Lodge
2 Amberley Road
Rustington

PROPOSAL: Certificate of Lawfulness for a proposed single storey rear extension

DESCRIPTION OF APPLICATION

The application seeks a lawful development certificate for the demolition of an existing conservatory and the construction of a ground floor extension across the entire rear of the property projecting 4 metres from the existing rear elevation with a flat roof height of 2.8 metres with 3 roof lights at a height of 3 metres. The materials of construction would be similar to those of the existing dwellinghouse.

DESCRIPTION OF SITE AND SURROUNDINGS

A detached bungalow in a residential area

RELEVANT SITE HISTORY

R/63/84	Outline application for single detached bungalow & garage	Refused 25-04-1984
R/39/86	Approval of reserved matters following the grant of outline permission R/63/84 for erection of bungalow & garage	ApproveConditionally 01-04-1986

Planning permission for the bungalow originally granted in 1980's and the property has not been extended to the rear.

REPRESENTATIONS

Representations received:

Comments on Representations received:

CONSULTATIONS

Consultations responses received:

Comments on Consultation responses:

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).

- 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

There is no evidence in the planning history of the property indicating that permitted development rights have been removed by any original planning permission for residential development.

The proposed single storey rear extension replaces an existing conservatory projecting from the rear elevation of the detached house. No other ground floor extensions other than that proposed need to be taken into account in assessing permitted development rights.

The applicant's property is not a Listed Building nor is it in a Conservation Area.

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 2015 (as amended). The aspects of the schedule of permitted development rights relevant to this application are;

A.1 b) The total area of ground covered by buildings within the curtilage would not exceed 50%. The existing rear extension and garage in the rear garden would be demolished as part of the scheme

A.1 e) & f)i)&ii) The additional built form would have a single storey to the rear of the property and would not extend beyond 4 metres beyond the rear wall of the original dwellinghouse nor exceed 4 metres in height.

The proposed extension would project 4 metres from original dwelling house and have a flat roof with an eaves height of 2.8 metres with 3 centrally located roof lights rising to height of 3.0 metres.

A.3 a) The rendered walls and white UPVC fenestration and doors would be of a similar appearance to exterior materials of construction of the existing property.

The proposed single storey rear extension is considered to comply with the limitations of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) and is considered to be "Permitted Development", and as such the scheme does not require the submission of an application for full planning permission.

RECOMMENDATION

PP NOT REQUIRED

The Arun District Council hereby certify that on 17th May 2015 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 would have been lawful within the meaning of section 192 of the Town & Country Planning Act 1990 for the following reasons;

- The proposed development of a single storey rear extension is considered to accord with the limitations of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

FIRST SCHEDULE

Construction of a single storey rear extension in accordance with the limitations of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) as detailed on submitted drawings;

- Dwg.no.542.17/01 Rev A - Location Plan dated 12-05-2017
- Dwg.no.542.17/03 Rev A - Proposed Plans dated 13-05-2017
- Dwg.no.542.17/04 Rev A - Proposed Elevations dated 13-05-2017

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SECOND SCHEDULE

Amberley Lodge, 2 Amberley Road, Rustington, BN16 2EE

EXTENT OF USE

Construction of a ground floor extension across the entire rear of the property, 8.84 metres in width, projecting 4 metres from the existing rear elevation with a flat roof height of 2.8 metres with 3 roof lights at a height of 3 metres. The materials of construction would be similar to those of the existing dwellinghouse.

