

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

REF NO: R/211/14/CLP

LOCATION: 84 Sea Avenue
Rustington

PROPOSAL: Application for a Lawful Development Certificate for a Proposed Development - Construction of a new side extension to an existing dwelling house.

DESCRIPTION OF APPLICATION

The proposed side extension measures approximately 7.2m in length, approximately 2.9m in depth and approximately 3.8m in height. The walls will be white painted brickwork with a tiled roof to match the property.

DESCRIPTION OF SITE AND SURROUNDINGS

The site comprises a residential property which is two storeys in height with a barn hipped roof. The walls are white painted brickwork and a plain tiled roof.

RELEVANT SITE HISTORY

REPRESENTATIONS

Representations received:

None

Comments on Representations received:

None

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

None

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 one criteria contained within The Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008, 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

SIDE EXTENSION

The proposed single storey extension is to the side of a detached dwelling. The Town and Country Planning (General Permitted Development)(Amendment)(No. 2)(England) Order 2008 Article 3 Schedule 2 Part 1 Class A (a) states that the the cumulative amount of ground covered by any extensions should not exceed 50% of the total area of the curtilage (not including the original dwelling house). Despite the two storey extension approved under planning permission R/305/06 which is considered to have been built, the footprint of the property and the proposed extension will occupy under 50% of the area of the curtilage.

Class A (b) informs that extensions must not exceed the height of the existing dwelling. The proposed single-storey extension is lower than the main roof of the dwelling.

Class A (c) states that the eaves height of the extension must not exceed those of the dwelling. The proposed extension conforms with this requirement.

Class A (d) informs that the extension should not project beyond any wall that forms a principle or side elevation of the dwelling that fronts a highway. The proposed extension will be made to the side of the dwelling that does not front a highway and, therefore satisfies this requirement.

Class A criteria (e), (f) and (g) relate to rear extensions and therefore do not apply to this side extension.

Class A (h) stipulates that any side extension should not exceed four metres in height, have more than one storey, and have a width greater than half the width of the original dwelling house. The proposal is 3.8 metres in height and of single storey design. The full width of the house is approximately 11.5 metres and the proposed extension is approximately 3 metres in width. Therefore these criteria are satisfied.

Furthermore, the materials used in the exterior works are considered to be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.

It has been demonstrated above that the proposed extension falls within the parameters set out in The Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 Article 3 Schedule 2 Part 1 Class A and, as such, planning permission is not required as the extension qualifies as Permitted Development.

It is therefore recommended that a certificate of lawful development is issued.

RECOMMENDATION

PP NOT REQUIRED

The Arun District Council hereby certify that on 30th October 2014 the development in the First Schedule of this certificate in respect of the land specified 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 reason that it is "Permitted Development" under The Town and Country Planning (General Permitted Development)(Amendment)(No.2)(England) Order 2008 Article 3, Part 1, Class A.

FIRST SCHEDULE

The proposed side extension is on the south elevation of the property and measures approximately 7.2m in length, approximately 2.9m in depth and approximately 3.8m in height. The walls will be white painted brickwork with a plain tiled roof to match the property.

The extension will be for domestic use, associated with 84 Sea Avenue, Rustington, BN16 2DL.

SECOND SCHEDULE

84 Sea Avenue, Rustington, West Sussex, BN16 2DL.

EXTENT OF USE

The "development" involves a single storey extension to the side of the original dwelling.



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