

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

REF NO: R/212/25/CLP

LOCATION: Aspen House
Hurst Road
East Preston
BN16 3AP

PROPOSAL: Lawful development certificate for a proposed single storey rear extension and blocking up of window on ground floor.

DESCRIPTION OF APPLICATION

This application seeks a lawful development certificate for a proposed single storey rear extension and blocking up of a ground-floor east elevation window and increase cil height and replace with new windows.

RELEVANT SITE HISTORY

R/130/19/PL	Application for variation of a condition following grant of planning permission R/190/18/PL relating to condition no.2 - amended access points	ApproveConditionally 10-09-19
R/202/18/PL	Erection of 1 No. dwelling (resubmission of R/219/17/PL). This application may affect the character & appearance of the Station Road, East Preston Conservation Area.	ApproveConditionally 13-12-18

REPRESENTATIONS

Representations Received:

CONSULTATIONS

Consultations Responses Received:

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) (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.

CONCLUSION

Development not permitted

A.1 Development is not permitted by Class A if -

(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class G, M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use);

(b) 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);

(c) the height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;

(d) 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;

(e) the enlarged part of the dwellinghouse would extend beyond a wall which -

(i) forms the principal elevation of the original dwellinghouse; or

(ii) fronts a highway and forms a side elevation of the original dwellinghouse;

(f) subject to paragraph (g), 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;

(g) for a dwellinghouse not on article 2(3) 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;

(h) the enlarged part of the dwellinghouse would have more than a single storey and -
(i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or
(ii) be within 7metres of any boundary of the curtilage of the dwellinghouse being enlarged which is opposite the rear wall of that dwellinghouse;

(i) 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;

(j) 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 a single storey, or
- (iii) have a width greater than half the width of the original dwellinghouse;

(ja) any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (e) to (j);

(k) 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.; or

(l) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).

The property known as Aspen House is a detached dwelling and neither listed or within a Conservation Area. The external materials and finishes would match the existing dwelling.

There are no permitted development restrictions upon this property.

The proposed single storey rear extension including the blocking up of a ground-floor east elevation window and increasing cil height and replacing with new windows complies with relevant sections of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). It is considered to be permitted development and as such does not require the submission of an application for full planning permission.

RECOMMENDATION

PP NOT REQUIRED

The Arun District Council hereby certify that on 4 December 2025 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 by reason of compliance with the relevant criteria within Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

FIRST SCHEDULE

The proposed single storey rear extension and blocking up of window on ground floor as shown on the following plans:

Proposed Elevations 250064/06 Rev A.

Proposed Ground Floor Plan 250064/04.

Proposed First Floor Plan and Roof Plan 250064/05.

Location and Block Plans 250064/07.

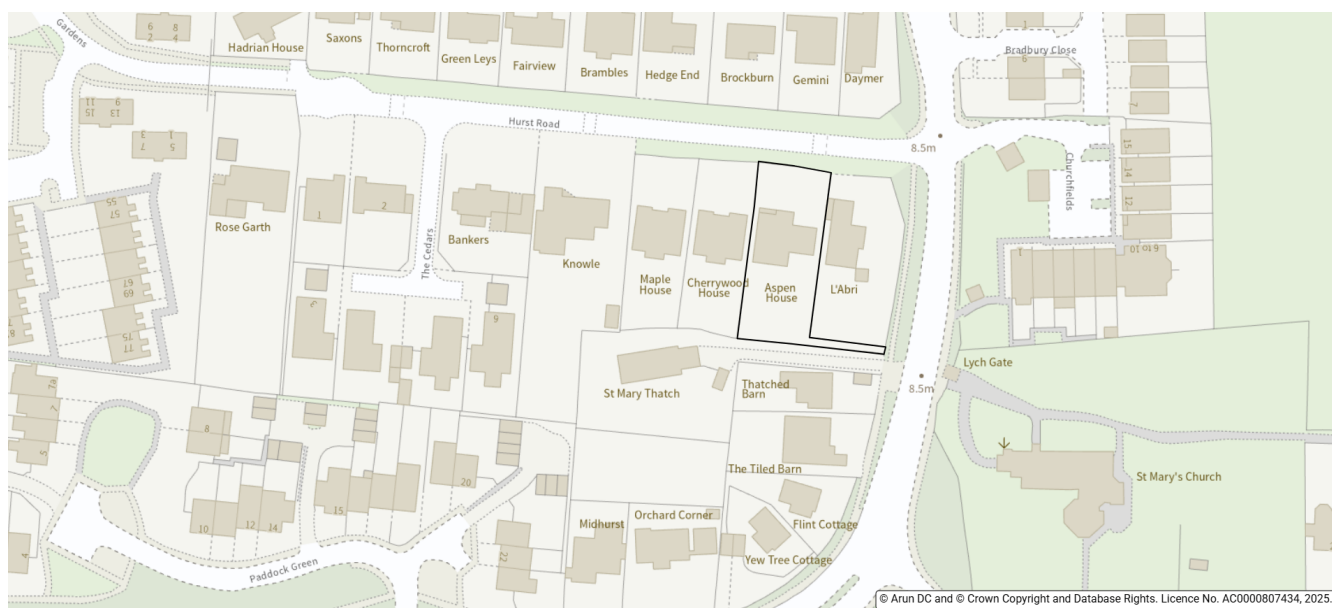
SECOND SCHEDULE

Aspen House, Hurst Road, East Preston, BN16 3AP.

EXTENT OF USE

Lawful Development Certificate for a proposed single storey rear extension measuring 9.1m in width and 1.8m in depth, with a mono pitched roof form and a maximum height of 3.8m and eaves height of 2.6m, and blocking up of a ground-floor east elevation window and increase eil height and replace with new windows. The proposed materials would match the existing.

R/212/25/CLP - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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