

CERTIFICATE OF LAWFUL PROPOSED DEVELOPMENT REPORT

REF NO: R/281/10/CLP

LOCATION: 60 Worthing Road
Rustington

PROPOSAL: Application for a Certificate of Lawfulness for a proposed rear extension.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposed single storey side extension measures approximately 2.7m in depth x 4.2m in width x 3.6m in height.
SITE AREA	Approximately 284 square metres.
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Rear garden enclosed by timber fencing.
SITE CHARACTERISTICS	2 storey terraced dwelling. Rendered elevation and concrete tiled roof.
CHARACTER OF LOCALITY	Sited within a residential area, predominantly 2 storey terraced dwellings within the locality.

RELEVANT SITE HISTORY

R/13/96	New access/crossover to serve Nos 58 & 60 Worthing Road	Approve Cond 08-03-1996
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REPRESENTATIONS

Representations received:

Awaited

Comments on Representations received:

None

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

None

DEVELOPMENT PLAN AND/OR 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.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

The application seeks a Certificate of Lawfulness for a proposed development for a single storey rear extension.

The proposed development is considered to fall under Schedule 2 Part 1 Class A of the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 in that it relates to the enlargement, improvement or other alteration of a dwellinghouse.

Section (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.

The proposed extension would project from the rear wall of the original dwellinghouse so this complies with Section (d) (ii).

Section (e) 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 4m in the case of a detached dwellinghouse or 3m in the case of any other dwellinghouse or (ii) exceed 4m in height.

The dwelling is terraced and the proposed extension would extend up to 2.7m from the rear wall of the original dwellinghouse with an overall height of 3.6m, which complies with section (e) (i) and (ii).

Section (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.

The proposed eaves height of the extension would be 2.7m so this complies with Section (g) the measurement of which is taken in accordance with the recently published Permitted Development for householders, Technical guidance (2010).

Therefore the proposed single storey extension is considered to be "Permitted Development" and therefore planning permission is not required.

RECOMMENDATION

PLANNING PERMISSION NOT REQUIRED

- 1 The Arun District Council hereby certify that on the 23-11-2010 the use hereby described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged boldly on the plan attached to this certificate was lawful within the meaning of section 191 of the Town and Country Planning Act 1990 (as amended).
- 2 "The development" concerned is for single storey rear extension, as detailed in the plans submitted with the application.
- 3 60 Worthing Road, Rustington, West Sussex BN16 3LD
- 4 The proposal is for single storey side extensions, measuring, at maximum, 4.2m in width x 2.7m in depth x 3.6m in height, as detailed in the plans submitted with the application.