



Town & Country Planning Act 1990 (as amended)
Town & Country Planning (Development Management Procedure) (England)
Order 2010 (as amended) - Article 35
Application for Certificate of Lawfulness for a Proposed use or Operation
DECISION NOTICE

Application Ref: R/44/13/CLP

To Addressee

Mr D Gowlett
 Clive Voller Associates
 15 Station Road
 Burgess Hill
 West Sussex
 RH15 9DE

Site Address

10 Botany Close
 Rustington
 BN16 2BJ

Description of Application

Application for a Certificate of Lawfulness for a proposed use or development - single storey rear extension

The Arun District Council hereby certify that on the 14th February 2013 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), for the following reason:-

The proposed single storey extension is to the rear 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.

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). The footprint of 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 (e) (i) states that the rear extension must not project more than 4 metres from the rear of the original dwellinghouse and (e) (ii) exceeds 4 metres in height. The depth of the addition is 3.65 metres and height is also 3.75 metres, therefore in accordance with this requirement.

Class A (g) states that the enlarged part of the dwellinghouse would be within 2 metres of a boundary of the curtilage of the dwellinghouse and the eaves height of the addition would exceed 3 metres in height. The proposed eaves height is 2.65 metres, therefore confirming to the above criteria.

Class A (f), (h) relate to two storey rear and side extensions which do not apply to this extension.

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.

The "development" involves a single-storey extension to the rear of the original dwelling and the provision of an additional garage unit.

The single storey rear extension is to measure 3.65 metres in depth x 2.6 metres in width x 3.65 metres in height.

10 Botany Close (Fairways), Rustington, BN16 2BJ

IT IS IMPORTANT THAT YOU READ THE NOTES ATTACHED TO THIS DOCUMENT

Head of Planning Services
Arun District Council
The Arun Civic Centre
Maltravers Road
Littlehampton
West Sussex BN17 5LF

Case Officer: Mr P Cleveland

Decision Issued: **15 March 2013**



NOTES RELATING TO CERTIFICATE OF PROPOSED LAWFUL USE OR DEVELOPMENT

TOWN & COUNTRY PLANNING ACT 1990

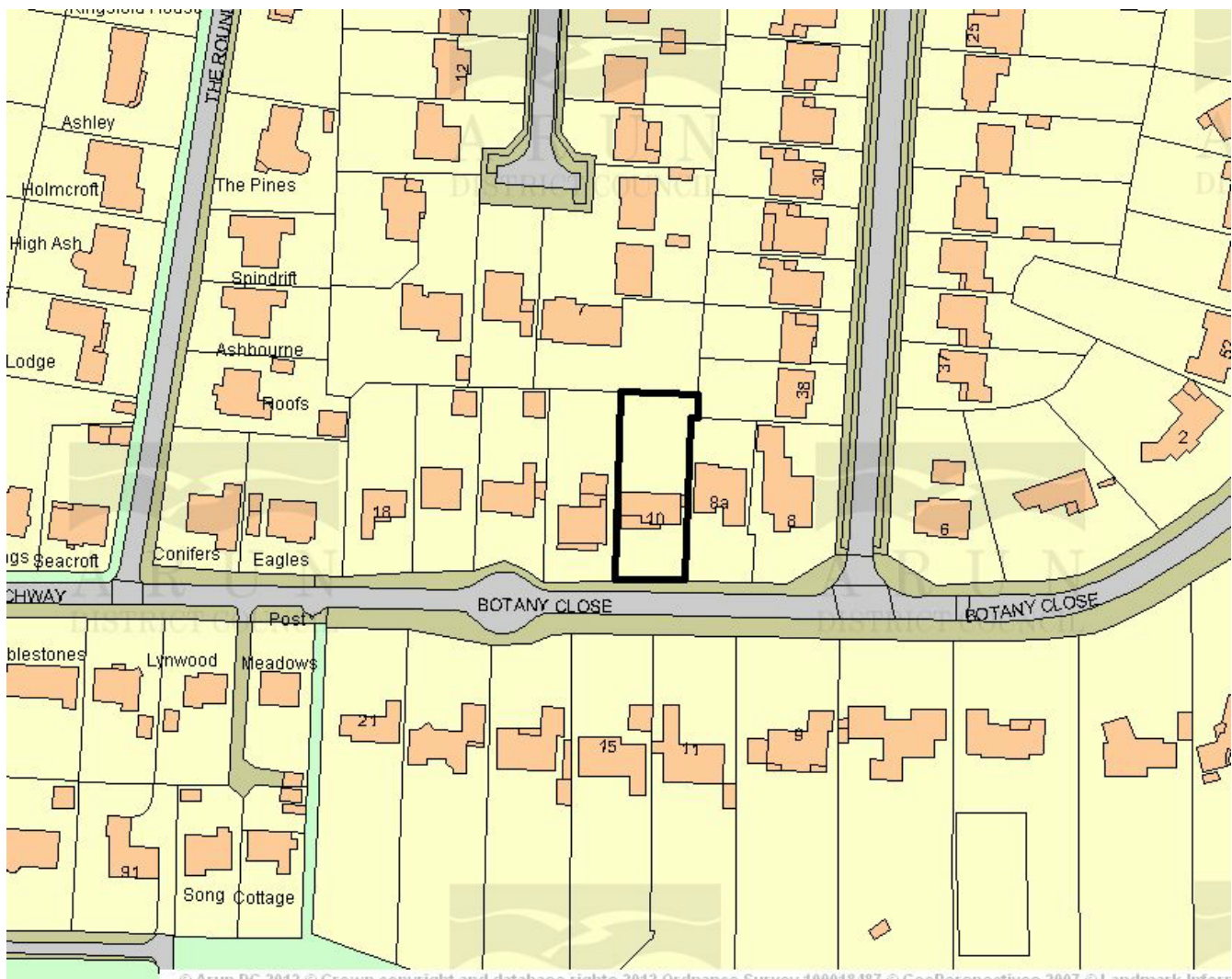
This certificate is issued solely for the purpose of section 192 of the Town & Country Planning Act 1990 (as amended).

It certifies that the use, operation or matter specified in the First Schedule taking place on the land described in the Second Schedule was lawful, on the specified date and therefore, would not have been liable to enforcement action under section 172 of the 1990 Act on that date.

This Certificate applies only to the extent of the use, operation or matter described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use, operation or matter which is materially different from that described or which relates to other land may render the owner or occupier liable to enforcement action.

The effect of the certificate is also qualified by the proviso in section 192(4) of the 1990 Act, as amended, which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations began, in any of the matters relevant to determining such lawfulness.

Please note that this decision notice only relates to matters under the Planning Acts and does not give consent under any other legislation that may apply to the development. You will need to carry out your own checks to determine whether any other consents or permissions are required. For example, the Building Regulations are likely to apply to most developments, and a Highways Licence may be required from West Sussex County Council for any development within the public highway (including the placing of skips on highway land).



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