

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

REF NO: R/44/13/CLP

LOCATION: 10 Botany Close
Rustington

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

DESCRIPTION OF APPLICATION

Application for a certificate of lawfulness for a single storey rear extension.

DESCRIPTION OF SITE AND SURROUNDINGS

The site is occupied by a two storey detached dwelling.

RELEVANT SITE HISTORY

R/92/08/	Extension to north of house all external brick walls to rendered	Approve Conditionally 06-06-2008
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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 2 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

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 the 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.

RECOMMENDATION

PP NOT REQUIRED

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.

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

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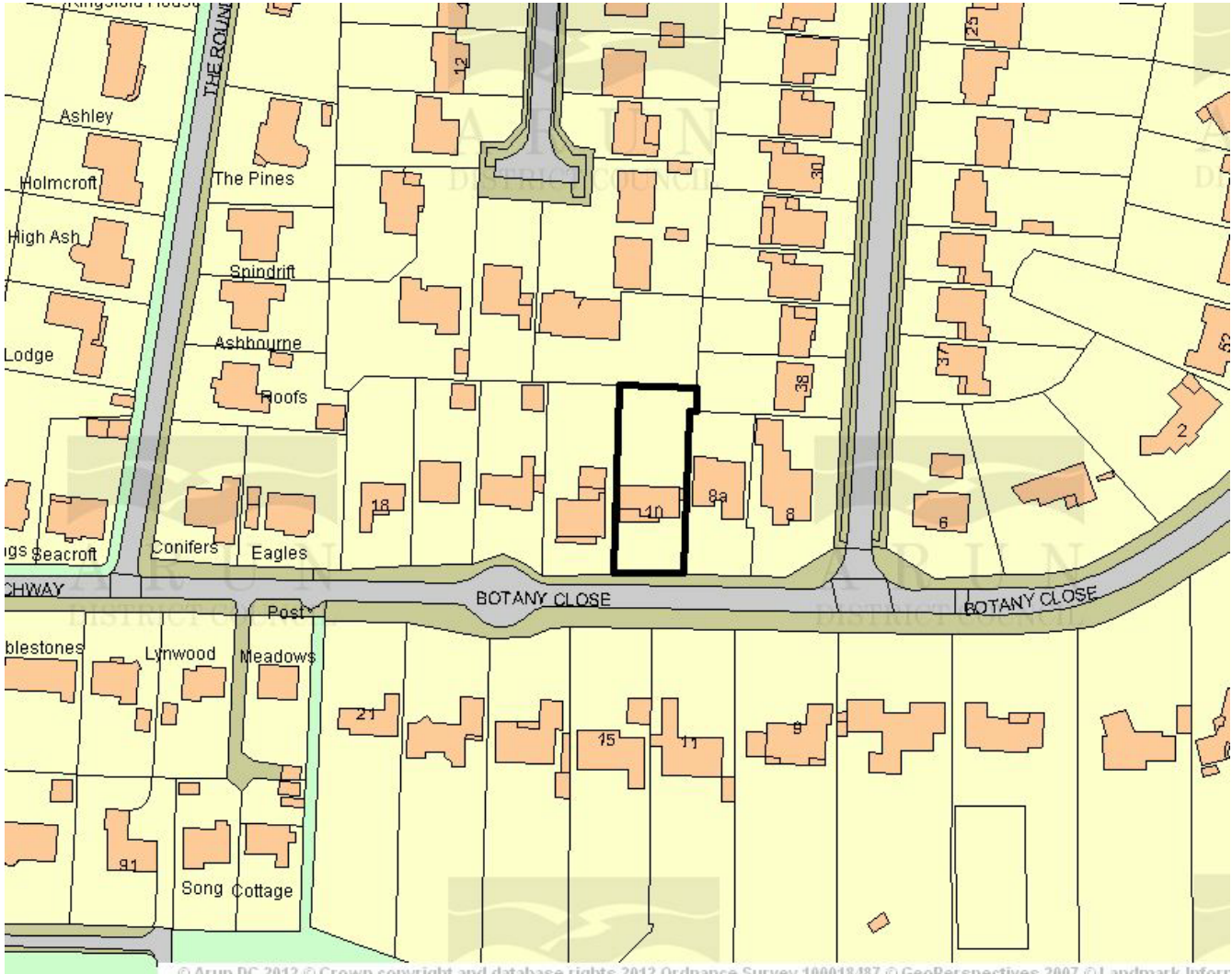
It has been demonstrated above that the proposed extension falls within the parameters set out in The Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 Article 3 Schedule 2 Part 1 Class A and, as such, planning permission is not required as the extension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

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

The 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

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



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