

Recommendation Report for Lawful Development Certificate for a Proposed Use or Development**REF NO:** R/62/22/CLP**LOCATION:** 34 The Crescent
Rustington
BN16 2PF**PROPOSAL:** Lawful development certificate for the proposed construction of single storey, brick-built side extension under a flat roof to form a garden store. Max. height above adjacent ground to be 2.5m within 2m of the boundary. Rainwater drainage to be retained within property boundary and directed to be to existing rainwater drainage system.**DESCRIPTION OF APPLICATION**

The application seeks to erect a single storey side extension that is 5.1m in width, 1.4m in depth with a peak height of 3m. This side extension would join with an existing side extension.

RELEVANT SITE HISTORY

R/25/21/HH	Glazed gable extension and the addition of a porch.	ApproveConditionally 26-03-21
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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) (Amendment) (No. 2) (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

The proposed single storey side extension falls under Schedule 2-part 1 class A of the town and country planning (General Permitted Development) (England) Order 2015.

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

- (a) permission to use the dwelling/house as a dwelling/house has been granted only by virtue of Class M, N, P 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 dwelling/house (other than the original dwelling/house) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwelling/house);
- (c) the height of the part of the dwelling/house enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwelling/house;
- (d) the height of the eaves of the part of the dwelling/house enlarged, improved or altered would exceed the height of the eaves of the existing dwelling/house;
- (e) the enlarged part of the dwelling/house would extend beyond a wall which-
 - (i) forms the principal elevation of the original dwelling/house; or
 - (ii) fronts a highway and forms a side elevation of the original dwelling/house;
- (f) subject to paragraph (g), the enlarged part of the dwelling/house would have a single storey and-
 - (i) extend beyond the rear wall of the original dwelling/house by more than 4 metres in the case of a detached dwelling/house, or 3 metres in the case of any other dwelling/house, or
 - (ii) exceed 4 metres in height;
- (g) until 30th May 2019, for a dwelling/house not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwelling/house would have a single storey and-
 - (i) extend beyond the rear wall of the original dwelling/house by more than 8 metres in the case of a detached dwelling/house, or 6 metres in the case of any other dwelling/house, or
 - (ii) exceed 4 metres in height;
- (h) the enlarged part of the dwelling/house would have more than a single storey and-
 - (i) extend beyond the rear wall of the original dwelling/house by more than 3 metres, or
 - (ii) be within 7 metres of any boundary of the curtilage of the dwelling/house being enlarged which is opposite the rear wall of that dwelling/house.
- (i) the enlarged part of the dwelling/house would be within 2 metres of the boundary of the curtilage of the dwelling/house, and the height of the eaves of the enlarged part would exceed 3 metres;
- (j) the enlarged part of the dwelling/house would extend beyond a wall forming a side elevation of the original dwelling/house, 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 dwelling/house; or
- (ja) any total enlargement (being the enlarged part together with any existing enlargement of the original dwelling/house 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 dwelling/house.

A.2 In the case of a dwelling/house on article 2(3) land, development is not permitted by Class A if-

- (a) it would consist of or include the cladding of any part of the exterior of the dwelling/house with stone, artificial stone, pebble dash, render, timber, plastic or tiles;
- (b) the enlarged part of the dwelling/house would extend beyond a wall forming a side elevation of the original dwelling/house; or
- (c) the enlarged part of the dwelling/house would have more than a single storey and extend beyond the rear wall of the original dwelling/house.
- (d) any total enlargement (being the enlarged part together with any existing enlargement of the original dwelling/house to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (b) and (c).

A.3 Development is permitted by Class A subject to the following conditions-

- (a) the materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwelling/house;
- (b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwelling/house must be-
 - (i) obscure-glazed, and
 - (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and
- (c) where the enlarged part of the dwelling/house has more than a single storey, or forms an upper storey on an existing enlargement of the original dwelling/house, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwelling/house.

The property known as 34 The Crescent is a detached single storey property and is not listed or within a conservation area. The proposed extension would be of materials to match that of the existing.

There are no PD restrictions for this property.

The proposed side extension joins to an existing side extension and results in the combined width of these side extensions being more than half the width of the original dwelling. The proposed side extension does not comply with relevant sections Class A.1 (ja)(Jiii) and is not considered permitted development. As such, requires the submission of an application for full planning permission.

RECOMMENDATION

PP REQUIRED

The Arun District Council hereby certify that on 17/05/22 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, was not lawful within the meaning of section 192 of the Town & Country Planning Act 1990 by reason of non-compliance with the relevant criteria within Schedule 2 Part 1 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015.

FIRST SCHEDULE

The proposed side extension is not considered to fall under Schedule 2 Part 1 of the GDPO.

The decision was based on the following plans:

- Location Plan and Block Plan Dwg No 2120/PD/00 Rev A.**
- Proposed Floor Plan, South East & South West Elevations and Roof Plan Dwg No 2120/PD/02.**

SECOND SCHEDULE

34 The Crescent, Rustington, West Sussex, BN16 2PF.

EXTENT OF USE

Construction of a single storey side extension that is 5.1m in width, 1.4m in depth with a peak height of 3m. It would feature a flat roof design and be constructed of materials matching those found on the host dwelling.

R/62/22/CLP - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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