

R/9/09/CLP**CERTIFICATE OF LAWFUL PROPOSED DEVELOPMENT REPORT****REF NO:** R/9/09/CLP**LOCATION:** 10 Tennyson Avenue
Rustington**PROPOSAL:** Application for a Lawful Development Certificate for a Proposed use or development - rear extension.**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above. Rear extension to measure approximately 6.2m x 2.6m x 3.5m high.
SITE AREA	Approximately 255 square metres.
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Slight rise from highway.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Wooden fencing with trellis above encloses the rear garden, approximately 1.8m high.
SITE CHARACTERISTICS	Semi detached 2 storey property. White render walls with wooden cladding at first floor level. Red tile roof. Shared side access to the property. Flat roof conservatory to the rear of the property.
CHARACTER OF LOCALITY	The site is located within a residential road, characterised by semi detached properties. Properties within the locality are seen to have rear extensions of similar scale and design to the proposed development.

RELEVANT SITE HISTORY

R/33/07/	Proposed modifications to roof space to form bedroom with ensuite bathroom including rear dormer and gable end roof.	Approve Cond 22-03-2007
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REPRESENTATIONS**Representations received:**Rustington Parish Council
Awaited.**Comments on Representations received:**

None

R/9/09/CLP**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.

1. Assessment

S55 (2) (a) TCPA 1990 states that works which affect only the interior of a building...do not materially affect the external appearance... do...not involve development

It appears to me from the evidence described above that these proposals fit within this category. Accordingly they are not development. Accordingly they do not need planning permission.

I have not seen any evidence which suggest that PD Rights are an issue or need consideration. They only refer to development which I have concluded that this is not.

I refer to the cases at EPL Vol 5 para 3B 2068.13 and 1987 JPL 144 and Uttlesford DC v SoSE 1992 JPL 171 to establish that internal works of this nature are not development being part and parcel of the domestic accommodation.

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

In order to be classed as Permitted Development the proposed works must reach a number of criteria set out in the Town and Country Planning (General Permitted Development) Order 1995 (as amended). The nature of the proposal will be assessed against these criteria in the paragraphs below.

The site is occupied by a semi detached 2 storey property, with the proposed extension being single storey and to the rear of the property. Any development that would exceed the highest part of the roof of the existing dwelling house. The proposed extension of approximately 3.5m high will not exceed the height of the two storey dwelling. The height of the eaves of the part of the dwellinghouse enlarged would exceed the height of the existing dwellinghouse. The eaves height of the proposed extension will be approximately 2.5m which will not exceed the height of the 2 storey dwelling on the site.

The enlarged part of the dwellinghouse would extend beyond a wall which fronts a highway and forms either the principle elevation or a side elevation of the existing property. The proposed extension would be to the rear of the property and would not form the principle elevation of the property.

The enlarged part of the dwellinghouse would have a storey and extend beyond the rear wall of

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the original dwellinghouse by more than 3m in the case of any other dwellinghouse other than a detached property or exceed 4m in height. The proposed extension would extend approximately 2.6m from the existing house and would approximately 3.5m at ridge height. The proposed works will satisfy this criteria.

The enlarged part of the dwellinghouse would be within 2m of the boundary of the curtilage of the dwellinghouse and the height of the eaves of the enlarged part would exceed 3m. The proposed development would be on the boundary to the neighbouring property but the eaves height will be approximately 2.5m high and therefore will be permitted development.

As the proposal has satisfied all the above mentioned criterion it is deemed to be Permitted Development under the Town and Country Planning (General Permitted Development) Order 1995, (as amended by the Town and Country Planning (General Permitted Development) Order Amendment (No.2) (England) Order 2008.

RECOMMENDATION

PLANNING PERMISSION NOT REQUIRED

- 1 The Arun District Council hereby certify that on the 11/02/09 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(s)
- 2 "The development" concerned is for a rear extension to the west elevation of the property, as detailed in the plans submitted with the application.
- 3 The proposal is for a rear extension measuring approximately 6.2m in width x 2.6m in length x 3.5m high, as detailed in the plans submitted with the application.
- 4 10 Tennyson Avenue, Rustington, West Sussex.