

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

REF NO: WA/42/18/CLP

LOCATION: 8 Hunters Mews
Walberton

PROPOSAL: Lawful development certificate for the proposed removal of existing rear facing conservatory & replacement with new rear conservatory.

DESCRIPTION OF APPLICATION

Lawful Development Certificate for the proposed removal of existing rear facing conservatory with new rear extension.

DESCRIPTION OF SITE AND SURROUNDINGS

A detached 2 storey, red brick and red clay tiled pitched roof residential dwelling. The property is located in a residential area similar dwellings with some detached, semi detached and terraced dwellings

RELEVANT SITE HISTORY

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WA/19/00 - Reserved matters following outline planning permission WA/11/98 for siting, design, landscaping and external appearance - Conditional Approval 21/06/00

WA/11/98 (amended plans - 97-262-4A) - Outline Application for residential development of 40 houses and garages (Duplicate Application with WA/10/98) Further information - A report on the location and availability of social and community facilities - Granted at appeal ref: T/APPC3810/A/99/1022550/P4.

Officer Note that there are no Conditions on the above applications which would remove Permitted Development rights for

REPRESENTATIONS

Representations received:

None received

Comments on Representations received:

N/A

CONSULTATIONS

Consultations responses received:

None received

Comments on Consultation responses:

N/A

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) (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.

CONCLUSIONS

The proposed single storey extension is considered to fall under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended).

A.1 Development is not permitted by Class A if

(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use);

Permission to use the dwellinghouse as a dwellinghouse has NOT been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule

(b) as a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);

as a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would NOT exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);

(c) the height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;

The proposal would be single storey and as such would NOT exceed the height of the highest part of the roof of the existing dwellinghouse

(d) the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;

The proposal would be single storey and as such the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would NOT exceed the height of the eaves of the existing dwellinghouse.

(e) the enlarged part of the dwellinghouse would extend beyond a wall which

(i) forms the principal elevation of the original dwellinghouse; or

(ii) fronts a highway and forms a side elevation of the original dwellinghouse;

The enlarged part of the dwellinghouse is a rear extension and as such would NOT extend beyond a wall which

(i) forms the principal elevation of the original dwellinghouse; or

(ii) fronts a highway and forms a side elevation of the original dwellinghouse;

(f) subject to paragraph (g), 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 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or

(ii) exceed 4 metres in height;

The proposed rear extension would have a depth of 3.26 metres from the wall of the original, detached, dwellinghouse and would have a height of 3.39 metres. As such, the proposal would comply with criteria (f) (i) and (ii) above.

(g) until 30th May 2019, for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, 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 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or

(ii) exceed 4 metres in height;

Criteria (g) (i) and (ii), above, do not apply.

(h) the enlarged part of the dwellinghouse would have more than a single storey and

(i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or

(ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse;

The proposed extension would be single storey and as such would NOT need to comply with (H) (i) and (ii) above

(i) 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 eaves of the proposal would be 2.33 metres high and as such would NOT exceed 3.0 metres in height.

(j) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, 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 dwellinghouse; or

The proposal is a rear extension and as such would NOT extend beyond a wall forming a side elevation of the original dwellinghouse.

(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 dwellinghouse.

The proposal would NOT include any of the criteria set out in (k) above.

A.2 In the case of a dwellinghouse 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 dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;
(b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or
(c) the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse.

The existing dwelling is not on on article 2(3) land,

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 dwellinghouse;

The external materials, as confirmed on the submitted amended plans, would be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.

(b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse 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 dwellinghouse has more than a single storey, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.

The proposed extension would be single storey and no upper floor windows are proposed.

The property known as 8 Hunters Mews, Fontwell, Chichester, BN18 0UW is not a listed building or within a Conservation Area. There are no conditions applied to previous planning permissions at the property which would restrict permitted development rights at the property. The proposed extension would be of materials similar to that of the existing.

The proposed single storey rear extension complies with relevant sections of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) and is considered to be 'Permitted Development' and as such does not require the submission of an application for planning permission.

RECOMMENDATION

PP NOT REQUIRED

The Arun District Council hereby certify that on 19/06/2018 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, would have been lawful within the meaning of section 192 of the Town & Country Planning Act 1990 for the following reason:

The proposed structure would comply with the limitations of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

FIRST SCHEDULE

The development proposed is a single storey mono-pitched rear extension to replace the existing conservatory as shown on the submitted drawings:

LP1 Location Plan dated Feb 2018

PL1 Proposed elevations

PL2 Proposed Plans dated Feb 2018

EX1 Existing Elevations

EX2 Existing Plans

and, notwithstanding the material details on the above plans, the material details

provided via email received by the Local Planning Authority on 20/06/2018

SECOND SCHEDULE

8 Hunters Mews, Fontwell, Chichester, BN18 0UW

A brick faced mono-pitched rear extension projecting 3.26 metres in depth from the rear elevation of the original dwellinghouse, 6.03 metres in width and 3.39 metres in height. The facing bricks are proposed to match those used in the existing dwellinghouse, as are the roof tiles and guttering.



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