

**CERTIFICATE OF LAWFUL PROPOSED DEVELOPMENT REPORT**

**REF NO:** WA/89/11/CLP

**LOCATION:** Eugenie  
Eastergate Lane  
Walberton

**PROPOSAL:** Proposed single-storey rear extension

**SITE AND SURROUNDINGS**

|                             |                                                                                                                                                                                       |
|-----------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| DESCRIPTION OF APPLICATION  | As above                                                                                                                                                                              |
| SITE AREA                   | Approximately 560 sq metres                                                                                                                                                           |
| RESIDENTIAL DEVELOPMENT DEN | N/A                                                                                                                                                                                   |
| TOPOGRAPHY                  | Predominantly flat                                                                                                                                                                    |
| TREES                       | Mature Oak Tree on front boundary.                                                                                                                                                    |
| BOUNDARY TREATMENT          | 1 metre high timber post and rail fence to front boundary. 1 metre high close boarded timber fence to west boundary.                                                                  |
| SITE CHARACTERISTICS        | Semi-detached, two storey modern dwelling, constructed from brick with front gable. Single storey side extension and flat roof garage. Gravel driveway to front and paddocks to west. |
| CHARACTER OF LOCALITY       | Predominantly rural comprising a row of semi-detached modern dwellings located on the edge of the village surrounded by open countryside.                                             |

**RELEVANT SITE HISTORY**

|          |                                      |                            |
|----------|--------------------------------------|----------------------------|
| WA/15/52 | Outline application for 14 dwellings | Approve Cond<br>19-08-1953 |
| WA/21/55 | 3 pairs of dwelling and 6 garages    | Approve Cond<br>04-01-1956 |

**REPRESENTATIONS**

**Representations received:**

N/A

**Comments on Representations received:**

N/A

**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.

**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**

The application seeks a Certificate of Lawfulness for a proposed single storey rear extension.

The proposed rear extension measures 5.7 metres in width, 3 metres in depth, with a maximum height of 3.8 metres and an eaves height of 2.4 metres. The extension would be sited to the rear of the property, adjacent to the eastern boundary.

The proposed single storey extension is considered to fall under Class A of The Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 in that it is 'The enlargement, improvement or other alteration of a dwelling house'.

Class A.1 e) states that development is not permitted by Class A if the enlarged part of the dwelling house 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 extension would project to a depth of 3 metres and would have a maximum height of 3.8 metres.

Class A.1 g) states that development is not permitted by Class A if 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.

In this case, the rear extension would abut the eastern boundary and would have an eaves height of 2.4 metres.

It is considered that the proposed single storey rear extension complies with the above sections of the General Permitted Development Order and is deemed to be permitted development. As such, planning permission is not required.

**RECOMMENDATION**

**PLANNING PERMISSION NOT REQUIRED**

- 1 The Arun District Council hereby certify that on the 29 November 2011 the single storey rear extension 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):-

The development as proposed falls under Class A of the Town and Country Planning (General Permitted Development) (Amendment) (No 2) Order 2008 in that it relates to the enlargement, improvement or other alteration of a dwellinghouse.

Section e) the enlarged part of the dwellinghouse would extend beyond the rear wall of the original dwellinghouse and would not exceed 3 metres and would not exceed 4 metres in height.

Section g) 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 not exceed 3 metres.

The proposed single storey rear extension is deemed to be 'Permitted Development' and, as such, does not require planning permission.

- 2 The 'development' proposed is for a single storey rear extension to be sited on the south elevation of the dwellinghouse, as detailed in the plans submitted with the application.
- 3 The single storey extension measures 5.7 metres in width, 3 metres in depth, 3.8 metres in height with an eaves height of 2.4 metres.
- 4 Eugenie, Eastergate Lane, Walberton, BN18 0BA