Expires 9/12/08

Development Control – Delegated Officer Report

Application Number: ADC/0501/08 **Recommendation – Refuse Application**

Site: **196 Downside Shoreham-by-Sea West Sussex BN43 6HD**

Proposal: **Single storey rear extension with pitched roof (application for Certificate of Lawfulness)**

The Application

The application site is the southern half of a pair of semi-detached bungalows located on the corner of Downside and The Drive, Shoreham. The property has extended its hipped roof into a part gable and added a dormer off the rear elevation. Permission has also recently been granted for a front dormer (ADC/0381/08). A small conservatory sits off the rear elevation, sandwiched partly between the northern side boundary with the attached neighbour, and a hipped rear projection.
This application seeks a Certificate of Lawfulness to replace this conservatory with a larger structure 3.4m in depth and 3.5m in width. It will have a gabled roof to a height of 3.4m with eaves level at 2.1m.

Relevant Planning Policies and Guidance

As this application for a Certificate of Lawfulness was received and registered on the 14th October 2008, it falls under Class A of Part 1 of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (which came into force on 1st October 2008).

Class A:

Permitted development

A. The enlargement, improvement or other alteration of a dwellinghouse.

Development not permitted

A.1 Development is not permitted by Class A if (relevant sections)—

(c) 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;

(e) 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;

(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 exceed 3 metres;

Conditions
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) shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;

Planning Assessment

This proposal falls under Class A of Part 1 of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (which came into force on 1st October 2008). Under the above relevant segments of this Class:

(c) The height of the eaves of the extension will not exceed that of the main dwelling;

(e) The extension is shown on the plans to have a depth of 3.6m from the rear wall of the original dwellinghouse with an overall height of 3.4m. As the property is not detached, it exceeds the 3m limit under part (i) of this section.

(g) Although the enlarged part of the dwellinghouse is within 2m of the side boundary the eaves is at a height of 2.1m, well below the 3m maximum.

Conditions: The plans indicate that the extension will be completed in brickwork to match the main dwelling. No indication is given as to whether the roof tiles will also match.

The extension will thus not meet section (e) part (i) of Class A of Part 1 of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008. It is not permitted development.

Recommendation

The Adur District Council hereby certify that on the 14th October 2008 the matter described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged in red on the plan attached to this certificate, was not lawful within the meaning of Section 191 of the Town and Country Planning Act 1990 (as amended), and is REFUSED for the following reason: -

The proposed rear extension constitutes 'development' as defined by Section 55 of the Act and, because it extends beyond the rear wall of the dwellinghouse by more than 3 metres, it does not constitute 'permitted development' under Class A of Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).

First Schedule

Single storey rear extension with pitched roof.

Second Schedule

196 Downside, Shoreham-by-Sea, West Sussex, BN43 6HD

Case Officer:.....

Date:11/11/08

PB 12/11/08