Expiry Date - 08/06/2010

Development Control – Delegated Officer Report

Application Number: ADC/0126/10 **Recommendation – Refuse Application**

Site: **1A Mill Hill Shoreham-by-Sea West Sussex BN43 5TG**

Proposal: **Proposed single-storey rear extension (Application for Certificate of Lawfulness)**

The Application

The application site is a large detached house on the west side of Mill Hill. Planning permission was granted in March 2009 for a two storey side extension to replace a single storey extension (ADC/0049/09). The approved extension is in the process of construction, but is not completed. On the ground floor the extension comprises a garage with study at the rear.

This application seeks a Certificate of Lawfulness to extend the study at the rear of the approved extension. The extension will be 4m deeper than the approved scheme and will project 5.8m from the rear wall of the original house. It will be flat roofed.

Consultations and Representations

Consultations/Comments

None

Relevant Planning Policies and Guidance

Not applicable

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). The provisions of Class A which are relevant to this case are as follows:

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—

(a) 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);

(b) 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;

(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;

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

(i) fronts a highway, and

(ii) forms either the principal elevation or a side elevation of the original 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;

(f) the enlarged part of the dwellinghouse would have more than one 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;

(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;

(h) 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 one storey, or

(iii) have a width greater than half the width of the original dwellinghouse; or

(i) it would consist of or include—

(i) the construction or provision of a veranda, 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.

A.2 In the case of a dwellinghouse on article 1(5) 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 one storey and extend beyond the rear wall of the original dwellinghouse.

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;

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

In this case,

(a) the total area of ground covered by buildings does not exceed 50% of the total curtilage;

(b) the height of the extension does not exceed the highest part of the house

(c) the extension is flat roofed and does not have eaves

(d) the extension is at the rear

(e) the extension is single storey and will extend to a depth of 5.8m. Furthermore, the proposed extension would not be built off the original rear wall of the house as it would be constructed on the rear of the recently built extension at the side of the house. Prior to this extension being constructed,

there was a detached outbuilding at the side/rear which also did not form part of the original dwellinghouse. Consequently, the application fails to be permitted development as it does not meet this criterion.

(f) the extension is single storey only

(g) the extension is within 2m of the rear boundary but it does not have eaves

(h) the extension is at the rear

Conditions: The extension will be completed in materials of the same type and colour as those on the existing dwelling.

The single storey rear extension will not meet the provisions of Class A of Part 1 of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 and is therefore not permitted development. This is because the extension will not project from the rear wall of the original dwellinghouse and will be more than 4m in depth when measured from the line of the rear wall of the original dwellinghouse.

Recommendation

The Adur District Council hereby certify that on (date of decision) 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 single storey rear extension does not constitute 'permitted development' under Class A of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (as amended) as it will not be constructed as an extension from the rear wall of the original dwellinghouse and will also be more than 4m in depth when measured from the line of the rear wall of the original dwellinghouse.

First Schedule

Single storey rear extension.

Second Schedule

1a Mill Hill, Shoreham-by-Sea, West Sussex, BN43 5TG
>

Case Officer Peter Barnett Date 17 May 2010 [redacted]