expires 18/5

Development Control – Delegated Officer Report

Application Number: ADC/0109/09 Recommendation - Permit

Site: **35 St Richards Road Southwick Brighton West Sussex**

Proposal: **Application for Certificate of Lawfulness for proposed single-storey rear extension**

The Application

The application site is a mid-terraced house located within a street of similar properties within the built up area of Southwick. The houses has an existing rear tiled roof projection (probably original) which straddles the boundary and is shared by the attached neighbour to the north (No.33). To the south of this extension infilling the gap to the southern boundary is a glazed conservatory. Both structures are 1.8m in depth.

This application is for a Certificate of Lawfulness where the planning merits of the proposal are not a consideration in this case. The assessment is whether planning permission is required in accordance with the General Permitted Development Order 1995.

The proposed extension would be to the rear of the house, and would require the demolition of the existing conservatory. The shared original rear projection would remain, and would result in the extension wrapping around it. The proposed extension would be the whole width of the property 5.3m, by 3m in depth, by 2.35m in height.

Relevant Planning Legislation

Town and County Planning (General Permitted Development) Order 1995 Schedule 2 Part 1. 'Development within the Curtilage of a dwelling house.'

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

Planning Assessment

Under the provisions of Class A development is not permitted if (relevant sections) -

A.1
(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;

Subject to conditions:-
A.3
(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.

In this instance:-

(e) The extension is shown on the plans to have a depth of 3m from the rear wall of the original dwellinghouse with an overall height of 2.35m. As the property is terraced, it meets the 3m limit. The extension would not extend over the boundary with the attached properties.

(g) Although the enlarged part of the dwellinghouse is within 2m of the side boundary the extension is flat-roofed and has no eaves.

Conditions: The architect has confirmed that the extension will be completed in materials to match the existing dwelling.

The extension will thus 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 permitted development.

Recommendation

The Adur District Council hereby certify that on the 18 April 2009 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 lawful within the meaning of Section 191 of the Town and Country Planning Act 1990 (as amended), and is APPROVED 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 no more than 3 metres, and an overall height of less than 4m, it constitutes '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.

Second Schedule

35 St. Richards Road, Southwick, West Sussex. BN41 1PA.

Case Officer..[redacted] Date..20/4/09

GB 21/4/09