exp 8/12

Development Control – Delegated Officer Report

Application Number: ADC/0397/09 **Recommendation – Certificate be issued**

Site: **28 Beach Road,Shoreham-by-Sea BN43 5LJ**

Proposal: **Application for certificate of lawfulness for existing single-storey front extension and existing single-storey rear extension with balcony above**

The Application

This flat-roofed house with attached projecting front garage dates from 1974, having been permitted in 1971 (SU/463/71).

The present application relates to a single-storey rear extension (55 cubic metres) with balcony/balustrade (3.6m overall height) and a single-storey front extension (33 cubic metres). These formed the subject of a planning application (SU/166/97/TP) and a Building Regulations application (SU/17/98/BR). There have been no other applications other than for a window alteration.

The planning application was not determined because the proposals constituted 'permitted development', a letter stating this having been sent on 12 November 1997.

A Completion Certificate under the Building Regulations was issued on 14 April 1999.

Assessment

It is evident that the extensions and balustrade (totalling 88 cubic metres) did not require planning permission when they were built as they fell within the 15% volume limit subject to a maximum of 115 cubic metres (which applied prior to October 2008) and the 4m height limit within 2m of a boundary. The original house had a volume of 880 cubic metres, so the applicable limit was 115 cubic metres, 15% being 132 cubic metres. The front extension was not forward of the forwardmost part of the original house and garage.

Apart from this, even if they were in breach of planning control, the extensions were built more than 4 years ago and are, therefore, now outside the scope of any enforcement action. Under section 191 of the Town and Country Planning Act 1990 (as amended), the Council is obliged to grant a Certificate if, on the balance of probability, the works were completed more than 4 years ago (thereby being outside the scope of enforcement action under section 171B of the Act).

Recommendation

That a Certificate of Lawfulness be issued

Description: Existing single-storey front extension and existing single-storey rear extension with balcony above

Land at: 28 Beach Road, Shoreham-by-Sea shown outlined in red on the plan.

Reason:- The extensions involved building works constituting 'development' as defined by section 55 of the Act but were permitted by Class A of Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 as in force at the time and, in any event, took place more than 4 years ago such that, in the event that they had been unauthorised, they would now be outside the scope of enforcement action under section 171B of the Act.

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Case Officer....[redacted]

Date...30/10/09.....