Expiry Date - 11/02/2011

Development Control – Delegated Officer Report

Application Number: ADC/0489/10 **Recommendation – Permit Application**

Site: **16 The Drive Southwick Brighton West Sussex**

Proposal: **Application for a Lawful Development Certificate for a proposed single story rear extension and detached garage**

The Application

The application property is a detached house on the east side of The Drive. There is presently a rear conservatory which abuts a detached garage, both of which are to be demolished.

This application seeks a Certificate of Lawfulness to construct a single storey extension at the rear measuring 3m deep, 5.3m wide and 3.8m high. It will have a mono-pitched roof with an eaves height of 2.7m. It is also proposed to construct a detached garage measuring 4.2m deep, 2.74 m wide and 2.5m high with a sloping roof dropping to 2.4m high at the rear. It is to be located on the boundary with No.18 to the north.

Consultations and Representations

Consultations/Comments

None

Third Parties

No representations received

Relevant Planning Policies and Guidance

Not applicable

Planning Assessment

Single storey rear extension

The single storey extension 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 height of the eaves does not exceed the height of the eaves of the existing dwelling

(d) the extension is at the rear

(e) the extension is single storey and will extend beyond the rear wall of the original detached house by 3m, with a height of 3.8m.

(f) the extension is single storey only

(g) the extension is within 2m of the boundary but the eaves are 2.7m high

(h) the extension is at the rear

(i) none of the items in this criterion apply

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 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.

Garage

The garage falls under Class E 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 E which are relevant to this case are as follows:

Permitted development

E. The provision within the curtilage of the dwellinghouse of—

(a)any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure; or

(b)a container used for domestic heating purposes for the storage of oil or liquid petroleum gas.

Development not permitted

E.1 Development is not permitted by Class E if—

(a)the total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);

(b)any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse;

(c)the building would have more than one storey;

(d)the height of the building, enclosure or container would exceed—

(i)4 metres in the case of a building with a dual-pitched roof,

(ii)2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse, or

(iii)3 metres in any other case;

(e)the height of the eaves of the building would exceed 2.5 metres;

(f)the building, enclosure, pool or container would be situated within the curtilage of a listed building;

(g)it would include the construction or provision of a veranda, balcony or raised platform;

(h)it relates to a dwelling or a microwave antenna; or

(i)the capacity of the container would exceed 3,500 litres.

E.2 In the case of any land within the curtilage of the dwellinghouse which is within—

(a)a World Heritage Site,

(b)a National Park,

(c)an area of outstanding natural beauty, or

(d)the Broads,

development is not permitted by Class E if the total area of ground covered by buildings, enclosures, pools and containers situated more than 20 metres from any wall of the dwellinghouse would exceed 10 square metres.

E.3 In the case of any land within the curtilage of the dwellinghouse which is article 1(5) land, development is not permitted by Class E if any part of the building, enclosure, pool or container would be situated on land between a wall forming a side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse.

Interpretation of Class E

E.4 For the purposes of Class E, “purpose incidental to the enjoyment of the dwellinghouse as such” includes the keeping of poultry, bees, pet animals, birds or other livestock for the domestic needs or personal enjoyment of the occupants of the dwellinghouse.

In this case:

(a) the total area covered does not exceed 50% of the total area
(b) no part of the building is forward of the principal elevation of the house
(c) the building is single storey
(d) the height does not exceed 2.5m being within 2m of the boundary
(e) the height of the eaves does not exceed 2.5m
(f) the property is not a listed building
(g) – (i) does not apply

E2 and E3 do not apply

The garage will meet the provisions of Class E 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 (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 lawful within the meaning of Section 191 of the Town and Country Planning Act 1990 (as amended), and is APPROVED for the following reason: -

A. 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 less than 3 metres, has an eaves height of less then 3m 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).

B. The proposed garage constitutes 'development' as defined by Section 55 of the Act and, because it is to be erected within the rear garden and has an overall height of less than 2.5m, it constitutes 'permitted development' under Class E of Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).

First Schedule

A. Single storey rear extension. B. Detached garage

Second Schedule

16 The Drive, Southwick

Case Officer Peter Barnett Date 14 January 2011