expires 6/4

Development Control – Delegated Officer Report

Application Number: ADC/0054/09 **Recommendation - Application Permitted**

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

Proposal: **Proposed single-storey rear extension with dummy pitched roof with flat roof on top (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 3m in depth which will extend across the full width of the rear of the dwelling. It will have a flat roof with dummy pitch to a height of between 2.8m and 3.2m (the land level drops to the south) with an eaves level of between 2m and 2.5m.

An application for a Certificate of Lawfulness for a rear extension was refused in November 2008 as it was found to not be 'permitted development' (ADC/0501/08).

Consultations and Representations

Consultations/Comments

None

Third Parties

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:

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)—

(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;

In this case,

(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 3m from the rear wall of the original dwellinghouse with an overall height of up to 3.2m. As the property is semi detached, it meets the 3m limit.

(g) Although the enlarged part of the dwellinghouse is within 2m of the side boundary the eaves is at a maximum height of 2.5m, below the 3m maximum.

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 6 February 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 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).

First Schedule

Single storey rear extension with dummy pitched roof.

Second Schedule

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

Case Officer.....

Date...12/3/09

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