Expiry Date - 13/09/2010

Development Control – Delegated Officer Report

Application Number: ADC/0260/10 **Recommendation – Permit Application**

Site: **19A Victoria Road Shoreham-by-Sea West Sussex BN43 5LA**

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

The Application

The application site is a two storey semi detached dwelling within the built up area of Shoreham.

This application seeks a Certificate of Lawfulness to construct a single storey flat roof rear extension, 2.95 metres in depth, extending the full width of the property 9.3 metres, 2.9 metres in height.

Consultations and Representations

Third Parties: - No third party representations have been received.

Relevant Planning Legislation

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:

Planning Assessment

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 semi detached house by no more than 3m, with a height of 2.9 m.

(f) the extension is single storey only

(g) the extension is within 2m of the side boundary but the eaves are 2.9m high

(h) the extension is at the rear

(i) none of the items in this criterion are to be provided

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.

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: -

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 Drawing no. 10/592/1 received 19th July 2010.

Second Schedule

19a Victoria Road Shoreham-by-Sea West Sussex BN43 5LA

Case Officer Hannah Barker Date 12/8/10.