Development Management – Delegated Officer Report

Application Number: AWDM/0145/17 **Recommendation – Issue**

Site: **94 Cokeham Lane, Sompting, Lancing**

Proposal: **Application for Lawful Development Certificate for proposed single storey rear extension (to replace existing conservatory) and proposed detached double garage to side.**

Date of site visit: 14.03.17

Neighbours checked: None undertaken

Additional neighbour notifications: N/A

Proposal, Site and Surroundings

The proposal seeks confirmation, within an application for Lawful Development Certificate for a Proposed use or development, that the proposed works are all permitted development as defined within the Town & Country Planning (General Permitted Development) (England) Order 2015.

The application property, no. 94 Cokeham Lane is a detached two storey residential dwelling situated within a residential area. It is of historical and architectural merit although it is not a listed building nor is it within the Conservation Area. There is a public footpath which runs to the north of the site the plot is relatively large with a plot width and depth more generous than most properties within the street scene.

It should also be noted that there is currently an application for consideration currently for a two storey rear extension at the above site. AWDM/0144/17.

Consultations: None

Representations: None

Relevant Planning Policies

None relevant, as the application will be considered on fact not merit.

Planning Assessment

Principle

The proposal will be viewed against the criteria of permitted development, as laid out within The Town and Country Planning (General Permitted Development) (England) Order 2015

Consideration

Schedule 2, Part 1, Development within the curtilage of a dwellinghouse Permitted Development

Class E – buildings etc. incidental to the enjoyment of a dwellinghouse.

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

a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of the Schedule (changes of use);

Analysis: The dwellinghouse is an existing dwellinghouse, and not as a change of use.

b) 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);

Analysis: Due to the size of the site the proposed garage would therefore be less than 50% of the total area of the curtilage.

c) 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;

Analysis: the garage would be set behind the wall forming the principal elevation of the original dwellinghouse.

d) the building would have more than a single storey.

Analysis: the proposed garage is single storey.

e) 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;

Analysis:
   i) the building would have a pitched roof and would be 4 metres in height.
   ii) It would be more than 2 metres away from the boundary of the site.
   iii) n/a

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

Analysis: there is no listed building on site

h) it would include the construction or provision of a verandah, balcony or raised platform;

Analysis: there would be no verandah, balcony or raised platform

i) it relates to a dwelling or a microwave antenna; or

Analysis: it does not relate to a dwelling or a microwave antenna

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

Analysis::n/a

E2 in the case of any land within the curtilage of the dwellinghouse which is within-

a) an area of outstanding natural beauty;
b) the Broads;
c) a National Park; or
d) a World Heritage Site

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

Analysis: The site is none of the above

E3 In the case of any land within the curtilage of the dwellinghouse which is article 2(3) 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.

Analysis: Article 2(3) land relates inter alia to Conservation Areas and this site is not within a Conservation Area

<u>Conclusion for the detached garage</u>

The detached garage conforms with the criteria for permitted development, therefore:-
Issue the LDC for the detached garage

Class A – Enlargement, improvement or other alteration of a dwellinghouse.
Rear single storey extension.

A.1 Development is not permitted by Class A if-
a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of the Schedule (changes of use);

Analysis: The dwellinghouse is an existing dwellinghouse, and not as a change of use.

b) 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);

Analysis: The new ground cover by the proposed rear extension will not exceed 50% of the total area of curtilage.

c) 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;

Analysis: The proposed extension will be single storey and the existing dwellinghouse is two storey, thereby, the roof of the proposed rear extension will not be higher than the original dwellinghouse.

d) 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;

Analysis: The eaves of the proposed rear extension will be at single storey whilst the eaves of the existing dwellinghouse is two storey.

e) the enlarged part of the dwellinghouse would extend beyond a wall which:
i) forms the principal elevation of the original dwellinghouse; or
ii) fronts a highway and forms a side elevation of the original dwellinghouse;

Analysis: The single storey rear extension will be to the rear of the dwellinghouse which is not the principal elevation nor does it front a highway and form a side elevation of the original dwellinghouse.

f) subject to paragraph g) 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 4m in the case of a detached dwellinghouse, or 3m in the case of any other dwellinghouse, or
ii) exceed 4m in height;

Analysis: The proposed extension will be 4m in depth and 2.8m in height, it thereby does not exceed the height threshold.

g) until 30th May 2019, for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, 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 8 m in the case of a detached dwellinghouse, or 6m in the case of any other dwellinghouse, or
ii) exceed 4m in height;

Analysis: The proposal does not extend more than 6m nor exceed 4m in height.

h) the enlarged part of the dwellinghouse would have more than a single storey and-
i) extend beyond the rear wall of the original dwellinghouse by more than 3m, or

ii) be within 7 m of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse;

Analysis: The proposed extension will not be more than a single storey, therefore i) and ii) do not need to be considered.

i) the enlarged part of the dwellinghouse would be within 2m of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3m;

Analysis: The extension will be within 2m of the boundary but the height of the eaves would not exceed 3m

j) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would-
i) exceed 4m in height;
ii) have more than a single storey; or
iii) have a width greater than half the width of the original dwellinghouse; or

Analysis: The proposal is to the rear and not the side of the dwelling house.

k) it would consist of or include-
i) the construction or provision of a verandah, 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.

Analysis: The single storey rear extension will not consist or include any of the above mentioned matters/items.

A2 relates to dwellinghouse on article 2(3) land, which, amongst other things, is a designated Conservation Area or an AONB.

Analysis: The site is neither.

A3 moves onto the conditions of the permitted development i.e.

a) materials to match existing;
b) any upper-floor windows located in a wall or roof slope forming a side elevation must meet certain criteria;
c) relates to development which is more than a single storey.

Analysis: a) is the only one which applies, and the plans indicate that the materials will match the existing. Render is used for the single storey extension.

<u>Conclusion for the single storey rear extension</u>

The LDC can be issued for the single storey rear extension

Conclusion

The proposal as indicated on the submitted drawing AP/102/94/A Rev C received 4th April 2017 is considered to comply with Class A and Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015, and is thereby permitted development and will not require the submission of a planning application by that named legislation.

Recommendation

Issue a Certificate of Lawfulness for Proposed Development, the submission of a planning application for the works will not be required.

Reasons for Recommendation

The proposal constitutes 'development' as defined by Section 55 of the Town and Country Planning Act 1990, but is permitted by Class A and E of Part 1 Schedule 2 of Town and Country Planning (General Permitted Development) (England) Order 2015.

The proposed works shown on: -

Drawing no. AP/102/94/A Rev C – received 4th April 2017
Location Plan – received 14th March 2017
Block Plan – received 14th March 2017

Informative:

1. The applicant is reminded that in order to comply with the requirements of Class E of the GDPO the detached garage should be used only for purposes incidental to the domestic use of the primary dwelling, 94 Cokeham Lane Sompting, and may not be used as habitable accommodation, nor any business be carried on therefrom.

Case Officer: Hannah Barker Date: 10th April 2017

Authorised by: Jo Morin Date: 10.04.2017