
Site Address:	42 Kings Road, Emsworth, PO10 7HN		
Proposal:	Application for Certificate of Lawful Development relating to single storey rear extension.		
Application No:	APP/13/01252	Expiry Date:	07/02/2014
Applicant:	Mr F Graham	Team:	Team 2
Agent:		Case Officer:	Bee Crawford
Ward:	Emsworth		

Recommendation: **GRANT A CERTIFICATE OF LAWFUL USE**

1 Site Description

- 1.1 The application site is a detached two storey property with attached garage which has had the benefit of previous extensions, situated on a generous plot. It has a brown pitched tiled roof and elevations of textured white render with white cladding at first floor level. There is vehicular access and block paving to the front of the property and a 1.5 metre high fence to the front boundary. The rear garden is level and has a depth in excess of 40 metres. It is laid to lawn with a patio area, greenhouse and mature trees and shrubs. There is a 1.8 metre high hedge to the northern boundary, a 1.8 metre high fence to the western boundary, and the southern boundary comprises of a 1.8 metre high fence and a section of 1.8 metre high fence and hedge in excess of 3 metres high.
- 1.2 There is a large semi-detached two storey dwelling to the north, an older style detached bungalow to the south of the property and a large detached two storey detached dwelling opposite the site. The rear boundary adjoins the rear garden of a property in Beach Road, which is a good distance away. The area is of medium density with a mixture of two storey detached and semi-detached properties and detached bungalows of individual style, design and age range.

2 Planning History

- 2.1 01/66085/000 - New roof over existing bungalow (to include all flat roofed areas) to provide rooms in roof, and new pitched roof to front over porch and bay windows, permission granted 12/07/2001.

3 Proposal

- 3.1 Section 192 application for a Lawful Development Certificate to establish whether the proposed single storey rear extension to be classed as permitted development under the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008, which is an amendment to the Town and Country Planning (General Permitted Development) Order 1995.

4 Legislation

Town and Country Planning (General Permitted Development) (Amendment)
(England)
Order 200 brought into effect on 1 October 2008, which is an amendment to the Town

and Country Planning (General Permitted Development) Order 1995.

5 Statutory and Non Statutory Consultations

None required.

6 Community Involvement

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 7

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 1

One letter of objection has been received from one address raising the following concerns:

- 6.1 The property has had the benefit of previous extensions resulting in a dwelling which is twice the depth of the original bungalow and the proposal will affect the amenity aspect of the patio of the neighbouring property - The purpose of this application is to determine whether the development can be built under the permitted development criteria, and as such amenity would not be a planning issue in this instance.
- 6.2 The development built under planning permission 01/66085/000 for 'new roof over existing bungalow (to include all flat roofed areas) to provide rooms in roof, and new pitched roof to front over porch and bay windows' was effectively a replacement dwelling, therefore for the purposes of this application, the rear wall of the original dwellinghouse has been taken to be the one constructed under planning permission 01/66085/000.

7 Planning Considerations

- 7.1 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

- (i) Whether the development would require planning permission

- 7.2 The proposal has been assessed against the 'permitted development' allowances in The Town and Country Planning (General Permitted Development) Order 1995 (As Amended). Of most relevance is Amendment No.2 England October 2008 and Technical Guidance on Permitted Development for Householders released by the Department of Communities and Local Government in August 2010.

- 7.3 The development has been assessed against Part 1 Class A.

7.4 Under Class A the extension to the rear of the property meets the following tests:

- (a) Would cover less than 50% of the curtilage
- (b) Height would not exceed height of the highest part of the existing dwellinghouse
- (c) Existing eaves height would not be exceeded
- (d) The extension would not front a highway and does not form the principal or a side elevation of the original dwellinghouse
- (e) The extension is single storey and would not project more than 4 metres beyond the rear wall of the original dwellinghouse (detached dwelling) and would not exceed 4 metres in height
- (f) The extension would not be two storey
- (g) The extension falls within 2 metres of the boundary, but the eaves height does not exceed 3 metres
- (h) The extension does not extend beyond a wall forming a side elevation of the original dwellinghouse
- (i) The extension would not include the construction of a verandah, balcony or raised platform, the installation alteration or replacement of a microwave antenna, the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or an alteration to any part of the roof of the dwellinghouse.

7.5 A2 - The extension would not be on Article 1(5) land

A3 - The plans submitted demonstrate that the conditions in A3 would be met.

It is therefore considered that the single storey rear extension would meet the requirements of Part 1 Class A.

7.6 A search of the planning history has not revealed conditions that restrict 'permitted development rights' nor is the dwelling part of an Article 4 direction.

It is therefore concluded that the rear extension would meet the requirements of Class A.

8 Conclusion

8.1 There is sufficient evidence as detailed in the submitted documentation to prove that the addition of a single storey rear extension is permitted development under the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008, Part 1 'Development within the curtilage of a dwelling house', Class A.1.

9 RECOMMENDATION:

That the Executive Head of Planning and Built Environment be authorised to Grant a Certificate of Lawful Development for application APP/10/00987 subject to the following condition (a) as set out in the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008, Part 1 'Development within the curtilage of a dwelling house', Class A.2.

a) the materials used in any exterior work (other than those 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 dwelling house.