

App.No: 150818 (LDP)	Decision Due Date: 29 September 2015	Ward: Devonshire
Officer: Toby Balcikonis	Site visit date: 23 July 2015	Type: LD Certificate (proposed)
Site Notice(s) Expiry date: N/A		
Neighbour Con Expiry: N/A		
Press Notice(s): N/A		
Over 8/13 week reason: The application is within date		
Location: 199 Seaside, Eastbourne		
Proposal: Erection of single storey, ground floor rear extension to side return, formation of window opening at first floor level to rear elevation of side return, and removal of existing side facing window on first floor. Also included is the enlargement of an existing opening to the rear of existing rear projection at ground floor and installation of patio doors.		
Applicant: Mr Carlos Dantos		
Recommendation: Issue Certificate		

Executive Summary:

The application property is a single private dwelling (C3 Use) which benefits from Permitted Development Rights as detailed in The Town and Country Planning (General Permitted Development) (England) Order 2015.

The applicant has submitted a request for a Certificate of Lawfulness for proposed alterations to the dwelling which include:

- Erection of single storey, ground floor rear extension to side return with ground floor rear facing UPVC window
- Formation of opening and installation of window at first floor level to rear elevation of side return and removal of existing side facing window at first floor level.
- Enlargement of existing opening to rear projection at ground floor level serving existing kitchen arrangement for the purpose of installing double UPVC framed patio doors to provide access to the garden.
- Submitted drawings also indicate removal of rear elevation ground floor roof lights serving existing kitchen.

Following the officer's assessment, the proposal is found to be compliant with the current General Permitted Development Order, and therefore it is recommended that a Certificate of Lawfulness be issued.

Previous Planning History:

For the Committee's information, two recent applications for planning permission have both resulted in refusals at Planning Committee. Both proposals (listed below) also included a first floor element.

- 150424 – Erection of first floor rear extension and single storey rear extension to side of rear projection.
Refused at Committee – 10/06/2015
- 150646 – Erect Single Storey extension and first floor addition at rear.
Refused at Committee – 05/08/2015

Relevant Planning Policies:

No policies are relevant to the determination of this application as it is a Lawful Development Certificate and has to be determined on points of law.

Site Description:

The application property is a mid-terrace property situated on the East side of Seaside, and is located opposite the Seaside Recreation Grounds.

The rear the properties along this stretch of Seaside are characterised with the existing two storey rear projections, many of which have been extended further at ground floor level, as is the case with the subject property, which substantially fills the rear courtyard garden approximately 40.3 square metres in size).

Currently, the neighbouring properties of 199 and 201 Seaside have side facing windows at first floor level of the respective existing 2 storey rear projections. The aforementioned windows are located opposite to, and facing each other.

The applicant has an existing 6ft x 4ft shed located on a base located in the South East corner of the rear garden.

Proposed development:

The applicant seeks a Lawful Development Certificate for the erection of a single storey extension to the rear of the property which also joins to an existing 2 storey side return rear projection.

Also detailed in the submitted proposal include the formation of a window opening at first floor level to rear elevation of side return, and removal of existing side facing window on first floor. At ground floor level, the applicant proposes to enlarge the existing opening to the existing rear projection, for the purpose of installing patio doors to provide access to the rear courtyard garden.

Existing roof lights located to the rear currently serving the existing kitchen arrangement are indicated to be removed as part of the proposal.

The proposed extension to be constructed adjacent to the boundary shared with 201 Seaside, would have a mono-pitched roof sloping away from the boundary. The roof, to be tiled to match the existing dwelling, would have an eaves height of approximately 2.45 metres and a maximum height of below 4 metres (approximately 3.8 metres) and

would project 3 metres from the rear elevation, measuring approximately 1.4 metres in width / projection from side return.

The extension would be finished in render and fitted with a single UPVC framed window to its rear elevation, also to match the existing dwelling.

The proposed window and double patio doors located to the rear elevation at first floor level and ground floor respectively, would also be UPVC framed to match.

The Town and Country Planning (General Permitted Development) (England) Order 2015, does not restrict the formation of **rear elevation** windows at first level and the formation or enlargement of a new opening at ground floor for the purpose of installing a door.

With a proposed footprint of approximately 4.45 metres, the extension, along with other additions and outbuildings present at the host property would not cover more than 50% of land around the original dwelling house.

Consultations:

No neighbour consultations were undertaken as the application has to be determined on points of law.

However, 1 objection has subsequently been received from the adjoining neighbouring property at 201 Seaside and covers the following points:

- Single storey ground floor extension, in close proximity to the shared boundary would be overbearing.
 - Lead to overshadowing
 - Seen from kitchen and dining room windows
 - Concerns it will lead to further unwanted development
 - Request that application be decided at Planning Committee

Appraisal:

The proposed alterations to the property detailed within the current submission can be assessed under Class A, Schedule 2, Part 1 of the GPDO.

It is found that the proposed development is compliant under this assessment and therefore lawful.

Conclusion:

The proposed rear extension, installation of new window in rear elevation at first floor level, and enlargement of existing ground floor rear opening and installation of patio doors falls within the limits as set out by Class A of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Recommendation:

It is recommended that a Lawful Development Certificate be issued for this proposal.

Informatives

For the avoidance of doubt the certificate has been issued in accordance with the details shown on the following plans received on 04 August 2015:

Drawing No.: 1a – Proposed Ground Floor Plan

Drawing No.: 2a – Proposed First Floor Plan

Drawing No.: 3a – Proposed Side Elevation

Drawing No.: 4a – Proposed Rear Elevation

Drawing No.: 5 – Proposed Section A:A

Details of Materials:

Notwithstanding the drawings hereby approved, in order to be compliant under Class A Part 1, all external materials to be used in the development shall be similar to that of the existing dwelling.

Gutter:

The applicant is reminded that for the structure to be compliant, no part of the proposed extension, including proposed guttering should overhang the any property boundary.

Appeal:

Should the applicant appeal the decision the appropriate course of action to be followed, taking into account the criteria set by the Planning Inspectorate, is considered to be **written representations**.