

Recommendation Report for Lawful Development Certificate for a Proposed Use or Development**REF NO:** AB/11/22/CLP**LOCATION:** 8 Mount Pleasant
Arundel
BN18 9BD

PROPOSAL: Lawful development certificate for proposed:

- Replace existing front door with new hardwood timber frame and door
- Change glazing on entrance hallway window from single glazing to conservation grade double glazing to match existing
- Infill north east elevation side door and side light with brickwork, mortar and flint work to match existing
- Replace ground floor north west elevation window with fully glazed timber doorway onto garden. Frame and glazing to match existing
- New window on north west elevation. Materials to match existing on the building
- Replace damaged stone cill to ground floor east elevation sitting room window with matching new cill
- Replace existing concrete hard standings to east, north and west sides of the building with mixture of paving and stone aggregates
- Alteration of dwarf brick wall to east side of property running east to west from building to pavement
- Change Angmering/Norfolk woodwork colours to white satin paint colour
- New soft landscaping to front and rear

DESCRIPTION OF APPLICATION

The proposal seeks the following:

- Replace the existing front door with new hardwood timber frame and door
- Change glazing on entrance hallway window from single glazing to conservation grade double glazing to match existing
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- New soft landscaping to front and rear

RELEVANT SITE HISTORY

REPRESENTATIONS

Representations Received:

Arundel Town Council

CONSULTATIONS

Consultations Responses Received:

LEGISLATIVE BACKGROUND

Section 192(2) of the Town and Country Planning Act 1990 states:-

If, on an application under this section, the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect; and in any other case they shall refuse the application.

In this instance the proposed works will be assessed against the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2015.

- Class A, which pertains to the enlargement, improvement, or other alterations to a dwellinghouse.
- Class F, which pertains to hard surfaces incidental to the enjoyment of a dwellinghouse.
- Part 2 Class A, which pertains to minor operations for gates, fences, walls etc.
- Part 2 Class C, which pertains to minor operations including exterior painting.

and

- The Town and Country Planning Act Part III (Meaning of Development) Section 55.

Provided the proposed works satisfy the relevant criteria, and that no restrictive conditions to development have been imposed on the site, the proposed works will constitute Permitted Development and would not require planning permission. If the works fail to accord with the criteria then planning permission will be required for them to take place.

CONCLUSION

The various proposed works are considered to fall under Schedule 2 Part 1 Class A & F and Part 2 Class A & C of the town and country planning (General Permitted Development) (England) Order 2015.

Part 1-

Class A - The enlargement, improvement or other alteration of a dwellinghouse.

Permitted Development

A. The enlargement, improvement or other alteration of a dwellinghouse.

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

- (a) permission to use the dwelling/house as a dwelling/house has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use);
- (b) as a result of the works, the total area of ground covered by buildings within the curtilage of the dwelling/house (other than the original dwelling/house) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwelling/house);
- (c) the height of the part of the dwelling/house enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwelling/house;
- (d) the height of the eaves of the part of the dwelling/house enlarged, improved or altered would exceed the height of the eaves of the existing dwelling/house;
- (e) the enlarged part of the dwelling/house would extend beyond a wall which -
 - (i) forms the principal elevation of the original dwelling/house; or
 - (ii) fronts a highway and forms a side elevation of the original dwelling/house;
- (f) subject to paragraph (g), the enlarged part of the dwelling/house would have a single storey and -
 - (i) extend beyond the rear wall of the original dwelling/house by more than 4 metres in the case of a detached dwelling/house, or 3 metres in the case of any other dwelling/house, or
 - (ii) exceed 4 metres in height;
- (g) until 30th May 2019, for a dwelling/house not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwelling/house would have a single storey and -
 - (i) extend beyond the rear wall of the original dwelling/house by more than 8 metres in the case of a detached dwelling/house, or 6 metres in the case of any other dwelling/house, or
 - (ii) exceed 4 metres in height;
- (h) the enlarged part of the dwelling/house would have more than a single storey and -
 - (i) extend beyond the rear wall of the original dwelling/house by more than 3 metres, or
 - (ii) be within 7 metres of any boundary of the curtilage of the dwelling/house being enlarged which is opposite the rear wall of that dwelling/house.
- (i) the enlarged part of the dwelling/house would be within 2 metres of the boundary of the curtilage of the dwelling/house, and the height of the eaves of the enlarged part would exceed 3 metres;
- (j) the enlarged part of the dwelling/house would extend beyond a wall forming a side elevation of the original dwelling/house, and would -
 - (i) exceed 4 metres in height,
 - (ii) have more than a single storey, or
 - (iii) have a width greater than half the width of the original dwelling/house; or
- (ja) any total enlargement (being the enlarged part together with any existing enlargement of the original dwelling/house to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (e) to (j);
- (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 dwelling/house.

A.2 In the case of a dwelling/house on article 2(3) 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 dwelling/house with stone, artificial stone, pebble dash, render, timber, plastic or tiles;
- (b) the enlarged part of the dwelling/house would extend beyond a wall forming a side elevation of the original dwelling/house; or

(c) the enlarged part of the dwelling/house would have more than a single storey and extend beyond the rear wall of the original dwelling/house.

(d) any total enlargement (being the enlarged part together with any existing enlargement of the original dwelling/house to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (b) and (c).

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) must be of a similar appearance to those used in the construction of the exterior of the existing dwelling/house;

(b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwelling/house must 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 dwelling/house has more than a single storey, or forms an upper storey on an existing enlargement of the original dwelling/house, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwelling/house.

Part 1-

Class F - Hard surfaces incidental to the enjoyment of a dwellinghouse.

Permitted development:

F. Development consisting of -

(a) the provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse as such; or

(b) the replacement in whole or in part of such a surface.

F.1 Development is not permitted by Class F if 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 this Schedule (changes of use).

Conditions

F.2 Development is permitted by Class F subject to the condition that where -

(a) the hard surface would be situated on land between a wall forming the principal elevation of the dwellinghouse and a highway, and

(b) the area of ground covered by the hard surface, or the area of hard surface replaced, would exceed 5 square metres,

either the hard surface is made of porous materials, or provision is made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse.

Part 2-

Class A - gates, fences, walls etc.

Permitted development

A. The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure.

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

- (a) the height of any gate, fence, wall or means of enclosure erected or constructed adjacent to a highway used by vehicular traffic would, after the carrying out of the development, exceed
 - (i) for a school, 2 metres above ground level, provided that any part of the gate, fence, wall or means of enclosure which is more than 1 metre above ground level does not create an obstruction to the view of persons using the highway as to be likely to cause danger to such persons;
 - (ii) in any other case, 1 metre above ground level;
- (b) the height of any other gate, fence, wall or means of enclosure erected or constructed would exceed 2 metres above ground level;
- (c) the height of any gate, fence, wall or other means of enclosure maintained, improved or altered would, as a result of the development, exceed its former height or the height referred to in paragraph (a) or (b) as the height appropriate to it if erected or constructed, whichever is the greater; or
- (d) it would involve development within the curtilage of, or to a gate, fence, wall or other means of enclosure surrounding, a listed building.

Interpretation of Class A

A.2 For the purposes of Class A, "school" includes -

- (a) premises which have changed use under Class S or T of Part 3 of this Schedule (changes of use) to become a state-funded school or registered nursery as defined in paragraph X of Part 3; and
- (b) a building permitted by Class C of Part 4 of this Schedule (temporary buildings and uses) to be used temporarily as a school, from the date the local planning authority is notified as provided in paragraph C.2(b) of Part 4.

Part 2-

Class C - exterior painting

Permitted development

C. The painting of the exterior of any building or work.

C.1 Development is not permitted by Class C if the painting is for the purpose of advertisement, announcement or direction.

Interpretation of Class C

C.2 In Class C, "painting" includes any application of colour.

The property known as 8 Mount Pleasant is a non-designated heritage asset building of character within the Arundel conservation Area. There are many components to this proposal with varying materials, all of which are to match the existing or are considered appropriate. Upon inspection of the sites history, no permitted development restrictions have been found.

The proposed replacement of the front door for a hardwood timber door complies with relevant sections Part 1 Class A.3 (a) and is considered permitted development and as such does not require the submission of an application for full planning permission.

The proposed replacement of glazing to the entrance hall window with conservation grade double glazing complies with relevant sections Part 1 Class A.3 (a) and is considered permitted development and as such does not require the submission of an application for full planning permission.

The proposed infill of side door and window with matching brick and flint work complies with relevant sections Part 1 Class A Class A.3 (a) and is considered permitted development and as such does not require the submission of an application for full planning permission.

The proposed replacement of the North-West ground floor window with fully glazed door and timber frame complies with relevant sections Part 1 Class A.3 (a) and is considered permitted development and as such does not require the submission of an application for full planning permission.

The proposed window to the North-West elevation uses matching materials. Therefore, complies with relevant sections Part 1 Class A.3 (a) and is considered permitted development and as such does not require the submission of an application for full planning permission.

The proposed replacement of the Cill on the East elevation uses matching materials. Therefore, complies with relevant sections Part 1 Class A.3 (a) and is considered permitted development and as such does not require the submission of an application for full planning permission.

The proposed replacement of concrete hardstanding to the East, North and West sides of the dwelling with paving and stone aggregates complies with relevant section Part 1 Class F (a)(b). This component is to replace existing concrete hardstanding and as such, any non-compliance with F.2(a) or (b) is not considered grounds for rejection. As such, this does not require the submission of an application for full planning permission.

The proposed alterations to the dwarf brick wall at the East elevation are not to exceed 1m in height and as such is compliant with relevant sections Part 2 Class A.1 (a)(iii)(c). Therefore, it is considered permitted development and as such does not require the submission of an application for full planning permission.

The proposed exterior painting of the dwelling complies with relevant sections Part 2 Class C and is considered permitted development and as such does not require the submission of an application for full planning permission.

The Town and Country Planning Act Part III (Meaning of Development) Section 55 Part 2(d) states that if alterations 'do not materially affect the external appearance of the building' they are not considered development. The introduction of new soft landscaping to the front and rear will not materially affect the external appearance of the dwelling. As such, it is not development, it is lawful and does not require the submission of an application for full planning permission.

RECOMMENDATION

PP NOT REQUIRED

The Arun District Council hereby certify that on 22/03/2022 the development described in the First Schedule to this certificate in respect of the land specified in the Second Schedule to this certificate and edged in black on the plan attached to this certificate, were lawful within the meaning of section 192 of the Town & Country Planning Act 1990 by reason of compliance with the relevant criteria within Schedule 2 Part 1 Class A, Class F, Part 2 Class A, Class C and Part 3 Section 55 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

FIRST SCHEDULE

The proposed new soft landscaping to the front and rear of the dwelling is considered to fall under Town and Country Planning Act Part III (Meaning of Development) Section 55.

The following components of the proposal are considered to fall under Schedule 2 Part 1 Class A, Class F, Part 2 Class A and Class C of the GDPO:

- Replace the existing front door with new hardwood timber frame and door
- Change glazing on entrance hallway window from single glazing to conservation grade double glazing to match existing
- Infill north east elevation side door and side light with brickwork, mortar and flint work to match existing
- Replace ground floor north west elevation window with fully glazed timber doorway onto garden. Frame and glazing to match existing
- New window on north west elevation. Materials to match existing on the building
- Replace damaged stone cill to ground floor east elevation sitting room window with matching new cill
- Replace existing concrete hard standings to east, north and west sides of the building with mixture of paving and stone aggregates
- Alteration of dwarf brick wall to east side of property running east to west from building to pavement
- Change Angmering/Norfolk woodwork colours to white satin paint colour

The development hereby approved shall be carried out in accordance with the following approved plans:

- Proposed Floor Plans Dwg No 1.
- Proposed Elevations Dwg No 1.
- Location Plan and Site Plan Dwg No JWCS9685(8) Rev 2.

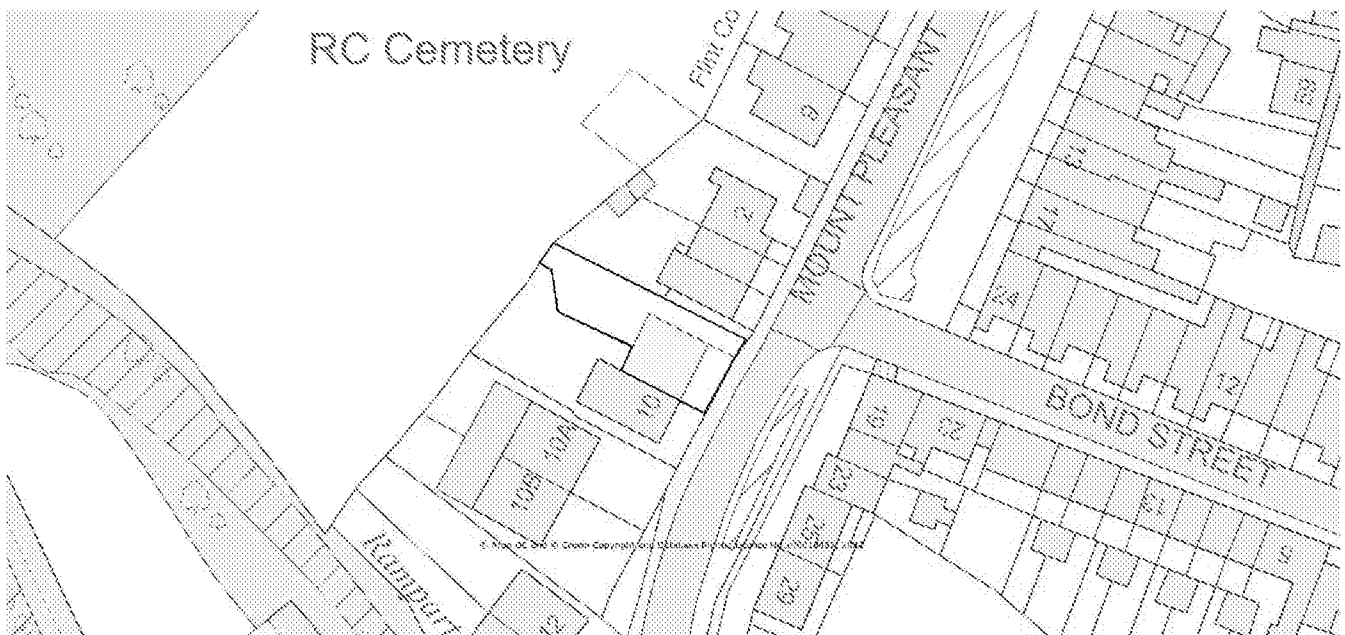
SECOND SCHEDULE

8 Mount Pleasant, Arundel, West Sussex, BN18 9BD.

EXTENT OF USE

Various replacements, installations and alterations to the exterior of the dwelling.

AB/11/22/CLP - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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