

Recommendation Report for Lawful Development Certificate for a Proposed Use or Development

REF NO: AB/3/18/CLP

LOCATION: 5 Tarrant Wharf
Arundel

PROPOSAL: Lawful Development Certificate for proposed replacement of 1st floor bay window with full height french windows with Juliet balcony.

DESCRIPTION OF APPLICATION

It is proposed to increase the glazing depth of the Oriel to be full height from floor level to beneath the roof. Existing horizontal cladding on the lower part of the Oriel would be removed. Centrally, a pair of fully glazed doors would be installed. A Juliet balcony (effectively a half height railed means of enclosure) would be installed in front of the doors. A rosewood finish would be utilised for the new glazing and doors as per the existing dwelling window/patio door UPVC materials. The enclosing railings would be similar to railings on top of the dwarf wall on the rear boundary of the property.

DESCRIPTION OF SITE AND SURROUNDINGS

Three storey dwelling constructed of red brick. Small plain roof tiles. To rear wholly red brick elevation to river with first floor bay with slated roof immediately above top of pair of ground floor patio doors.

This window is more properly described as an Oriel window since it is an upper storey projecting window.

RELEVANT SITE HISTORY

AB/125/11/ Installation of a pontoon against the river wall. Approve Conditionally
07-02-2012

The relevant planning history also includes:

AB/132/79
AB/148/78
AB/172/81

REPRESENTATIONS

Representations received:

No representations received.

Comments on Representations received:

N/A

CONSULTATIONS

Consultations responses received:

No consultees.

Comments on Consultation responses:

N/A

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 (as amended).

- Class A, which pertains to the enlargement, improvement, or other alterations to a dwellinghouse.

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.

CONCLUSIONS

THE RELEVANT PART OF THE GPDO
Schedule 2, Part 1, Class A;

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 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 dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse):

(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;

(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;

(e) the enlarged part of the dwellinghouse would extend beyond a wall which

(i) fronts a highway, and

(ii) forms either the principle elevation or 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 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;

(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 dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or
- (ii) exceed 4 metres 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 3 metres, or
- (ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse;

(i) 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.

(j) 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

(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

A.2 In the case of a dwellinghouse 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 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.

A.3 Development is permitted by Class A subject to the following conditions

- (a) the materials used in any exterior work (other than the 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 must be
 - (i) obscure glazed, and
 - (ii) non-opening unless the parts of the window which can be opened are more than 1.7M 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.

THE PROPOSED REAR WORKS

The site is within Arundel Conservation Area and is therefore on Article 2(3) land. However, the works still satisfy criteria and conditions set out within Class A. No.5 is not a Listed Building and there is no restriction in terms of permitted development rights by means of a condition or Direction which would affect the works proposed.

The proposed works are therefore considered to accord with the limitations of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) and are considered to be 'permitted development', as such this proposal does not require an application for planning permission.

RECOMMENDATION

PP NOT REQUIRED

The Arun District Council hereby certify that on 15 January 2018 the works 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 for the following reason:

The proposed works by virtue of their type, extent and materials are in accordance with Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

FIRST SCHEDULE

Increase the glazing depth of the Oriel (first floor bay) window to be full height from floor level to beneath roof level. Existing horizontal cladding on the lower part of the Oriel window to be removed. Centrally, a pair of fully glazed doors to be installed. A Juliet balcony (an approximately half height railed means of enclosure) to be installed in front of the doors. A rosewood finish would be utilised for the new glazing and doors as per the existing dwelling window and patio door in UPVC materials. All in accordance with the limitations of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) and as detailed in the description of works and supporting information/detail submitted with this application:

Description of Proposed Alteration - Received with Application

Floor Plans - Received with Application

Proposed Elevation - Received with Application

Examples of Proposed Alteration Photographs - Received with Application

3 Section Bay Window Quotation - Dated 08.01.2018

SECOND SCHEDULE

5 Tarrant Wharf, Arundel, West Sussex BN18 9NY



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