

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

REF NO: AB/68/14/CLP

LOCATION: 10 Nineveh Shipyard
Arundel

PROPOSAL: Application for certificate of lawfulness for proposed replacement of wooden windows with white PVCU Georgian style sash windows

DESCRIPTION OF APPLICATION

This application is for 12No. PVCu Georgian style sash opening windows and 2No. doors on the front and rear elevation of the property in place of existing wooden windows and doors. No new apertures or openings are proposed.

DESCRIPTION OF SITE AND SURROUNDINGS

The site comprises a three storey townhouse with brown brick elevations and a pitched roof. The property is situated at the end of a cul-de-sac. The property backs on to Nineveh chapel which has been converted for retail use situated to the north.

RELEVANT SITE HISTORY

REPRESENTATIONS

Representations received:

n/a

Comments on Representations received:

n/a

CONSULTATIONS

Consultations responses received:

n/a

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 1 criteria contained within The Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order

2008, Part 1.

- 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 proposed replacement PVCu windows and doors is considered to fall under Schedule 2 Part 1 Class A of the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 in that it relates to "the enlargement, improvement or other alteration of a dwellinghouse).

Under Section A.1 criteria (a)-(i) concerns extensions to dwellinghouses which does not apply to the proposed replacement of windows and doors at the property.

Section A.2 concerns dwellinghouses on article 1(5) land which constitutes Conservation Areas. The property in question is situated within a Conservation Area and so criteria A.2 is considered to apply as follows:-

Under A.2(a) states that development is not permitted if it includes the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles which is not the case and so this criteria is considered to be met.

A.2(b) and (c) refers to extensions to dwellinghouses which does not apply.

A Condition of the development permitted by Class A under A.3(a) requires materials used in any exterior work (other than 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.

It is considered that by using a Georgian style design and sash opening mechanism for the replacement windows, they will be of a similar appearance to existing as confirmed in the submitted photographs of the Supporting Evidence in the application. Therefore, Condition A.3(a) is considered to be satisfied.

Condition A.3(b) relates to upper floor windows in a wall or roof slope of a side elevation of the property which does not apply to the proposed windows in the front and rear elevation.

Condition A.3(c) refers to enlarging the dwellinghouse which does not apply to the proposal.

The property is a dwellinghouse and not a flat and is not a Listed Building.

Two Permitted Development Restrictions (PDRs) have been placed on the property under planning permission AB/97/95 which are:-

Condition 7 which specifies that no external radio, television or satellite dish aerials shall be erected or affixed on any individual property without the prior written approval of the Local

Planning Authority and

Condition 9 which requires that no vent, flue or pipe other than those approved shall be affixed to external face of any building without the approval of the Local Planning Authority.

Since neither of these conditions affect the proposed type of development, the Permitted Development rights remain intact in this regard.

It is therefore considered that the replacement PVCu windows in the front and rear elevation of the property are "Permitted Development" under Class A of the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008.

RECOMMENDATION

PP NOT REQUIRED

The Arun District Council hereby certify that on the 18th July 2014 the proposed development described in the First Schedule at the address specified in the Second Schedule attached to this certificate, was lawful within the meaning of section 192 of the Town & Country Planning Act 1990 for the following reasons:

The 12No. PVCu windows and 2No. doors in a Georgian style with sash openings to the front and rear of the property are considered to fall under Schedule 2 Part 1 Class A of the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 in that it relates to "the enlargement, improvement or other alteration of a dwellinghouse".

FIRST SCHEDULE

The development is for 12No. windows and 2No. doors on the front and rear elevations as detailed on the submitted drawings: Location plan, Block plan, Site plan, Supporting evidence and Planning Statement submitted with the application form and dated 08-05-2014.

SECOND SCHEDULE

10 Nineveh Shipyard, Arundel, West Sussex, BN18 9SU.

EXTENT OF USE

The 12No. PVCu windows consist of 7No. on the front elevation and 5No. on the rear elevation in a Georgian style with sash openings and a PVCu door on the front and rear elevation of the property.



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