

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

REF NO: **AW/272/20/CLP**

LOCATION: Arden Grange
 220 Manor Way
 Aldwick
 PO21 4HS

PROPOSAL: Lawful development certificate for the proposed removal of existing front garden wall
 & replace with new.

DESCRIPTION OF APPLICATION

This application seeks the partial demolition and replacement of front boundary wall with new wall under 1m in height.

RELEVANT SITE HISTORY

REPRESENTATIONS

Representations Received:

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) (England) Order 2015 (as amended).

- Part 2, Class A, which pertains the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure.
- Part 11, Class C which pertains to demolition within a conservation area.

Provided the proposed works satisfy the relevant criteria, and that no restrictive conditions to development have been imposed on the site, the works 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 proposed partial demolition of existing wall and erection of new boundary wall is considered to fall under Schedule 2 Part 11 Class C and Part 2 Class A respectively of the town and country planning (General Permitted Development) (England) Order 2015.

Class A Permitted development

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

Development not permitted

A.1 Development is not permitted by Class A-

- (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.

Class C Permitted development

C. Any building operation consisting of the demolition of the whole or any part of any gate, fence, wall or other means of enclosure.

Development not permitted

C.1 Development is not permitted by Class C if the demolition is "relevant demolition" for the purposes

of section 196D of the Act (demolition of an unlisted etc building in a conservation area)(1).

The property known as Arden Grange is a link attached house and is not listed but is within the Aldwick Bay conservation area.

There are no known restrictions to Permitted Development rights within the site.

The proposed partial removal of front boundary wall complies with relevant sections of the Order and is considered permitted development and as such does not require the submission of an application for full planning permission.

RECOMMENDATION

PP NOT REQUIRED

The Arun District Council hereby certify that on 3rd November 2020 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, is 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 2 Class A and Part 11 Class C of the Town and Country Planning (General Permitted Development) (England) Order 2015.

The proposed partial demolition and replacement of front boundary wall is considered to fall under Schedule 2 Parts 2 and 11 of the GDPO

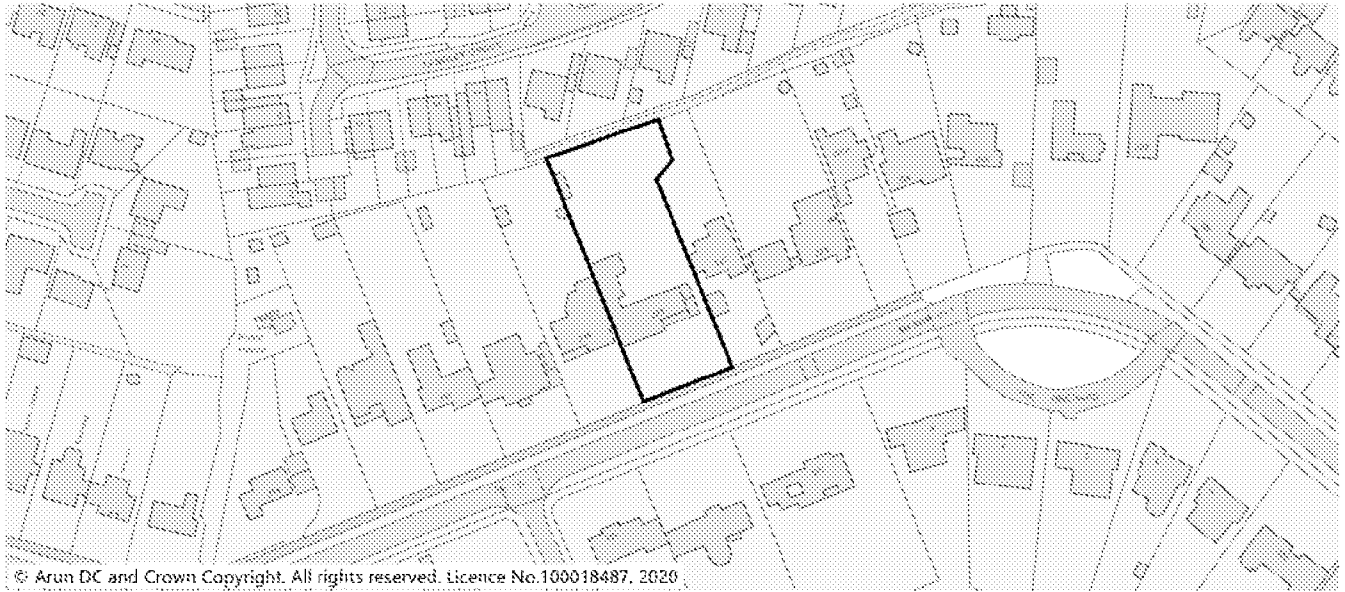
The development hereby approved shall be carried out in accordance with the following approved plans;

- Substitute site plan dated 9th November 2020**
- Planning Statement dated 7th October 2020**

Arden Grange, 220 Manor Way, Aldwick PO21 4HS

Proposed demolition of approximately 22m of front boundary (flint) wall, which is under 1m in height and replacement with new section of wall. Proposed to be built in block and render construction and be under 1m in height.

AW/272/20/CLP - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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