

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

REF NO: AW/333/20/CLP

LOCATION: 22 Raleigh Road
Rose Green
Bognor Regis
PO21 3NA

PROPOSAL: Lawful development certificate for proposed construction of chimney

DESCRIPTION OF APPLICATION

This application seeks to install a chimney to the rear of the property.

RELEVANT SITE HISTORY

AW/276/20/PDH	Notification under extended permitted development rights for a single storey rear extension measuring 6m from beyond the rear wall of the original dwelling house, with maximum height of 3m and eaves height of 2.6m	No Objection 10-11-20
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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) Order 2015 (as amended).

- Class G, which pertains to the installation or replacement of a chimney or flue.

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 proposed chimney is considered to fall under Schedule 2 part 1 class G of the town and country planning (General Permitted Development) (England) Order 2015.

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

- a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (change of use)
- (b) the height of the chimney, flue or soil and vent pipe would exceed the highest part of the roof by 1 metre or more; or
- (c) in the case of a dwellinghouse on article 2(3) land, the chimney, flue or soil and vent pipe would be installed on a wall or roof slope which-
 - (i) fronts a highway, and
 - (ii) forms either the principal elevation or a side elevation of the dwellinghouse.

The property known 22 Raleigh Road is a semi-detached 2 storey property and is not listed or within a conservation area.

Examination of the site history has revealed no restrictions to Permitted Development rights on site.

The proposed chimney complies with relevant sections set out within Class G 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 23rd 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 1 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015.

FIRST SCHEDULE

The proposed chimney is considered to fall under Schedule 2 Part 1 of the GDPO

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

- Existing and Proposed DWG 1A

SECOND SCHEDULE

22 Raleigh Road, Rose Green, Aldwick.

EXTENT OF USE

Construction of external chimney extending approximately 4m above the flat roof surface on which it will sit, giving an overall height of 7.1m from natural ground level.

AW/333/20/CLP - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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