

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

REF NO: AW/351/19/CLP

LOCATION: 27 Downing Close
Aldwick
PO21 5QG

PROPOSAL: Lawful development certificate for the proposed conversion of garage to living accommodation

DESCRIPTION OF APPLICATION

Lawful development certificate for a proposed garage conversion to habitable use.

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) (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.

CONCLUSION

The proposed external changes to the garage conversion are considered to fall under Schedule 2 Part 1 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015.

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) 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 being enlarged which is opposite the rear wall of that 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
- (ja) any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse 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 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.
- (d) any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse 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 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 a single storey, or forms an upper storey on an existing enlargement of the original dwellinghouse, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.

The property known as 27 Downing Close is not a Listed Building or within a Conservation Area. The proposed windows would be of materials similar to existing.

The proposed external changes to the garage conversion comply with relevant sections (a),(b),(c),(d),(e),(i), (j)(i)(ii)(iii), (k) and are considered to be "Permitted Development", and as such does not require the submission of an application for full planning permission.

Section 55 of The Town and Country Planning Act 1990 Meaning of "development" and "new development".

(1) Subject to the following provisions of this section, in this Act, except where the context otherwise requires, "development," means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.

For the purposes of this Act " building operations " includes:

- (a) demolition of buildings;
- (b) rebuilding;
- (c) structural alterations of or additions to buildings; and
- (d) other operations normally undertaken by a person carrying on business as a builder.]

(2) The following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land:

- (a) the carrying out for the maintenance, improvement or other alteration of any building of works which:
 - (i) affect only the interior of the building, or
 - (ii) do not materially affect the external appearance of the building,

and are not works for making good war damage or works begun after 5th December 1968 for the alteration of a building by providing additional space in it underground;

(b) the carrying out on land within the boundaries of a road by a highway authority of any works required for the maintenance or improvement of the road but, in the case of any such works which are not exclusively for the maintenance of the road, not including any works which may have significant adverse effects on the environment];

(c) the carrying out by a local authority or statutory undertakers of any works for the purpose of inspecting, repairing or renewing any sewers, mains, pipes, cables or other apparatus, including the breaking open of any street or other land for that purpose;

(d) the use of any buildings or other land within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse as such;

(e) the use of any land for the purposes of agriculture or forestry (including afforestation) and the use for any of those purposes of any building occupied together with land so used;

(f) in the case of buildings or other land which are used for a purpose of any class specified in an order made by the Secretary of State under this section, the use of the buildings or other land or, subject to the provisions of the order, of any part of the buildings or the other land, for any other purpose of the same class.

(g) the demolition of any description of building specified in a direction given by the Secretary of State to local planning authorities generally or to a particular local planning authority.]

It is considered that the conversion of the garage to residential use is an internal operation where according to section 55 of the Act is not development requiring planning permission.

RECOMMENDATION

PP NOT REQUIRED

The Arun District Council hereby certify that on 27/11/2019 the use/operation 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 would have been lawful within the meaning of section 192 of the Town & Country Planning Act 1990 for the following reasons:

- The proposed development is considered to comply with the relevant criteria within Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) 2015 and section 55 of the Town and Country Planning Act 1990.

FIRST SCHEDULE

Conversion of garage to habitable room. This would include alterations to existing windows, with materials similar to those existing. This is detailed on the following plans:

- Location Plan
- Proposed Plan 15/19/21

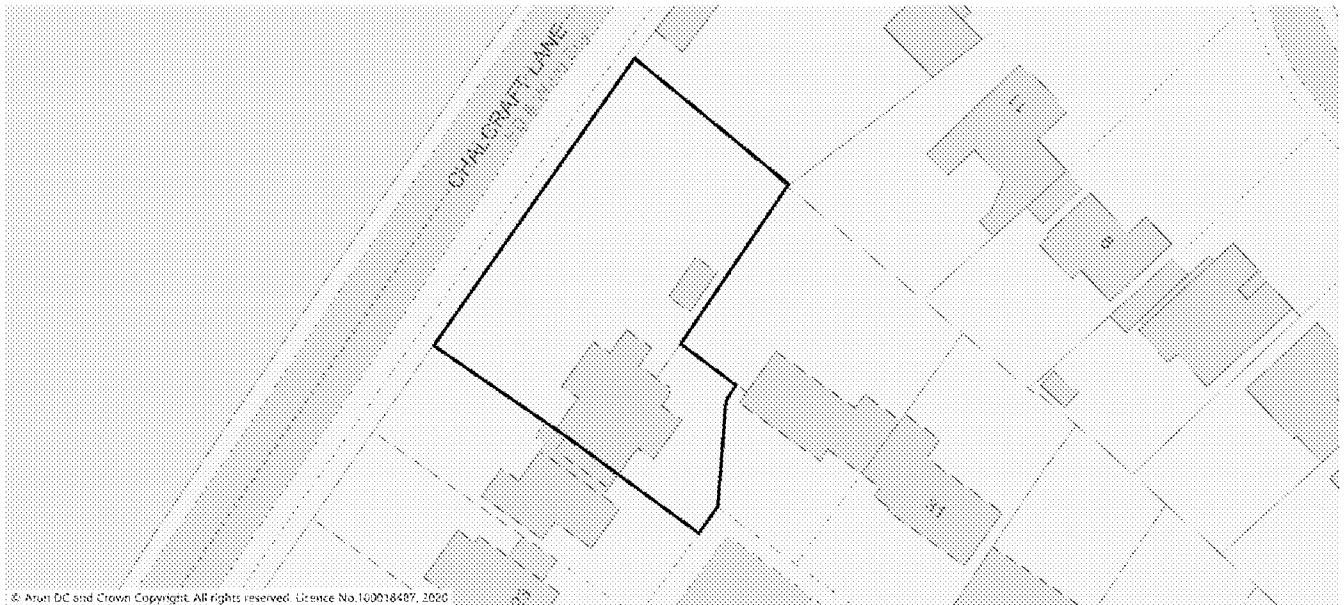
SECOND SCHEDULE

27 Downing Close, Aldwick, PO21 5QG

EXTENT OF USE

Conversion of garage into a habitable room.

AW/351/19/CLP - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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