

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

REF NO: AW/36/18/CLP

LOCATION: Rousay Croft
55 Kingsway
Aldwick

PROPOSAL: Lawful development certificate for a proposed lean-to store attached to existing garage.

DESCRIPTION OF APPLICATION

A proposed lean to roofed storage building attached to the rear elevation of detached garage granted planning permission in 2010 measuring 3.1 metres in length with a width of 2.6 metres and a maximum height of 2.1 metres.

DESCRIPTION OF SITE AND SURROUNDINGS

Detached two storey dwelling sited on a corner plot with the principal elevation facing Wychwood Close with Kingsway to the south and. The property is located within the Craigweil House Conservation Area. Private residential estate comprising detached properties of various styles and designs.

RELEVANT SITE HISTORY

AW/210/10/	Erection of double garage to replace storage building and bin store.	ApproveConditionally 24-11-2010
AW/252/12/	Conversion and extension of existing garage into sun/garden room.	ApproveConditionally 11-02-2013
BR/39/56	House & garage	ApproveConditionally 29-03-1956

No permitted development rights have been removed from the property in previous planning applications nor does the Article 4 direction on Craigweil estate relate to the development here proposed.

REPRESENTATIONS

Representations received:

None

Comments on Representations received:

N/a

CONSULTATIONS

Consultations responses received:

None

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) (England) Order 2015, Part 1.

- Class E, which pertains to buildings etc incidental to the enjoyment of 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 Town and Country Planning (General Permitted Development)(Amendment)(No. 2)(England) Order 2015, Schedule 2, Part 1, Class E is considered to be relevant to the proposed detached garage.

Class E (b) states that the total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse). It is considered based on submitted plans that this criteria is met.

Class E (c) states permission is required if any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse. This criteria is not met as the garage was granted planning permission in 2010 (AW/210/10/) does not from part of the original dwellinghouse is situated on land forward of the principal elevation of the dwelling house and the extension of it would, in its proposed location, be in front of the principal elevation of the dwellinghouse.

Class E (d) states permission is required if the building would have more than one storey. The garage would only be single storey.

Class E (e) states permission is required if:-

the height of the building, enclosure or container would exceed:

(i) 4 metres in the case of a building with a dual-pitched roof,

(ii) 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse, or

(iii) 3 metres in any other case;

The proposal complies with these criteria.

Class E (f) states that permission would be required if the height of the eave would exceed 2.5m. The eaves of the proposal are only 1.8 m high.

Class E (g) states that permission is required if the building would be located within the curtilage of a listed building. It is not.

Class E (h) states that permission is required if the building would include the construction or provision of a verandah, balcony or raised platform. None of these features are proposed on the garage.

Class E (i) states that permission is required if the building relates to a dwelling or a microwave antenna. This proposal does not.

Class E (j) does not relate to this proposal. No containers are proposed.

The proposed lean to roofed garage extension is not considered to be permitted development as it would be located in front of the principle elevation and would not accord with Class E (c) of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) and as such requires Planning Permission.

RECOMMENDATION

PP REQUIRED

Arun District Council hereby certify that on 06-02-2018, the side extension 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 not have been lawful within the meaning of section 192 of the Town & Country Planning Act 1990 for the following reason:-

The proposed structure does not comply with the limitations of Schedule 2, Part 1, Class E(c) of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

FIRST SCHEDULE

The development proposed is a lean to roofed garage extension as shown on the submitted drawing "Proposed Store - Location Plan, Block Plan, Proposed Floorplan, Proposed Elevations" received on the 06-02-2018 .

SECOND SCHEDULE

Rousay Croft, 55 Kingsway, Aldwick, Bognor Regis, PO21 4DN

EXTENT OF USE

A proposed lean to roofed storage building attached to the rear elevation of the existing detached garage measuring 3.1 metres in length with a width of 2.6 metres and a maximum height of 2.1 metres.



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