

Recommendation Report for Lawful Development Certificate for a Proposed Use or Development**REF NO:** AW/82/21/CLP**LOCATION:** 3 Alborough Way
Aldwick
PO21 4LD**PROPOSAL:** Lawful development certificate for the proposed conversion of existing garage to habitable space & increase in driveway area to accommodate 3 No. cars.**DESCRIPTION OF APPLICATION**

The proposal involves the conversion of the existing integral garage in order to provide additional residential accommodation. The existing garage door on the primary elevation of the garage will be replaced with windows and face brickwork to match existing. The existing garage is partly converted into residential use. To compensate the loss of parking space, the existing driveway would be extended to facilitate additional car parking space. As mentioned in the planning statement the tarmac driveway would be removed and replaced with permeable surface.

SITE AND SURROUNDING

The site is occupied by a two-storey detached dwelling with an integral garage which is accessed through the private driveway. The application site is not located in the conservation area and nor application site is statutory listed building.

RELEVANT SITE HISTORY

None

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.

It should first be established whether or not the proposed works constitute 'development' as described in Town and Country Planning Act 1990 Section 55.

Any works that are qualified as development will be assessed against criteria contained within The Town and Country Planning (General Permitted Development) Order 2015, Schedule 2, Part 1 which sets out the Permitted Development rights extended to dwellinghouses and development within their residential curtilage.

CONCLUSION

The proposed garage conversion to habitable accommodation is 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 opposite the rear wall of the 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
- (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.

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 one storey, the roof pitch of the enlarged part shall, so far as practicable, be the same as the roof pitch of the original dwellinghouse.

The property known as 3 Alborough Way is a terraced property, not a Listed Building or within a Conservation Area. The proposed garage conversion would include front facing windows and will be constructed in materials matching the host dwelling.

The proposed conversion complies with sections (a),(b),(c),(d),(f)(i)(ii),(h),(i),A.3(a) and is considered to be "Permitted Development", and as such does not require the submission of an application for full planning permission.

Class F - hard surfaces incidental to the enjoyment of a dwellinghouse

F. Development consisting of -

Permitted development

- (a) the provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse as such; or
- (b) the replacement in whole or in part of such a surface.

Development not permitted

F.1 Development is not permitted by Class F if 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).

Conditions

F.2 Development is permitted by Class F subject to the condition that where

- (a) the hard surface would be situated on land between a wall forming the principal elevation of the dwellinghouse and a highway, and
- (b) the area of ground covered by the hard surface, or the area of hard surface replaced, would exceed 5 square metres, either the hard surface is made of porous materials, or provision is made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse.

Extending the existing driveway proposed complies with conditions F2 (a) & (b).

The site history has been examined and there are no conditions restricting garage conversions.

RECOMMENDATION

PP NOT REQUIRED

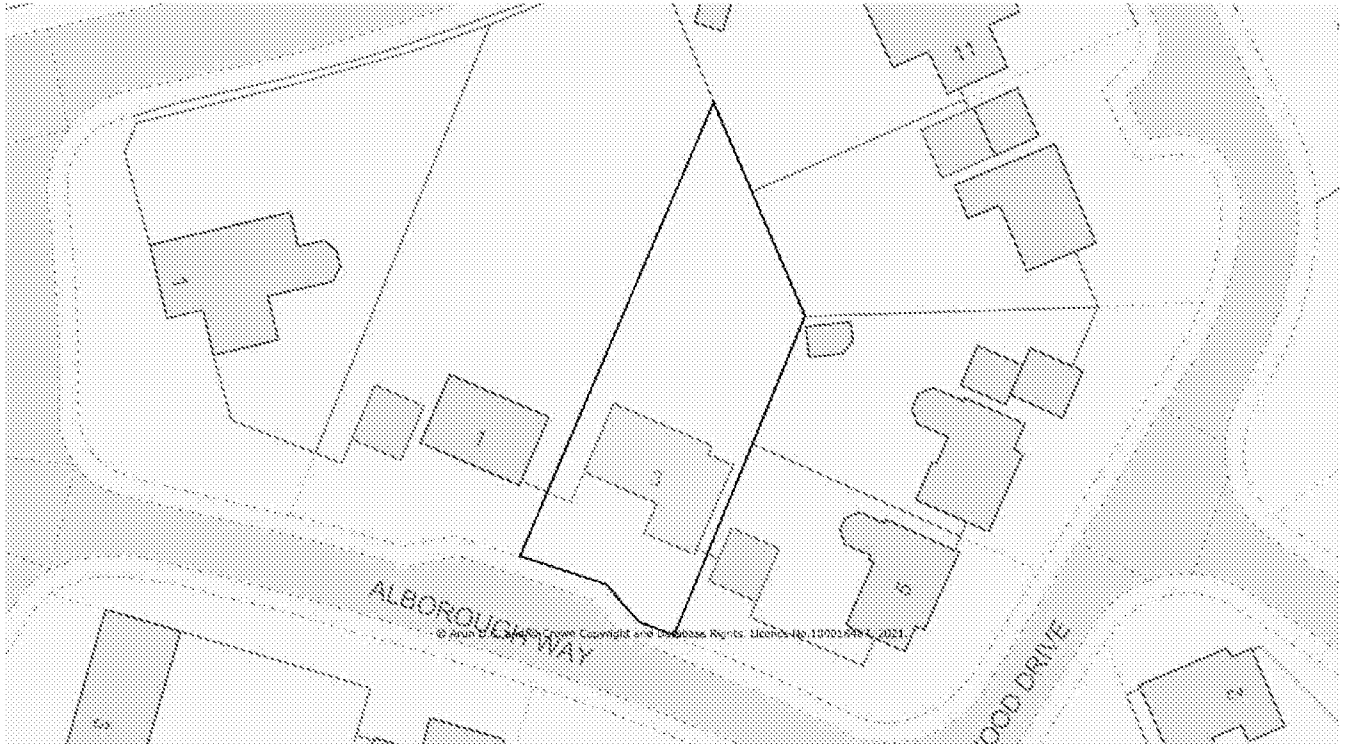
The Arun District Council hereby certify that on 10-03-2021 the development described in the First Schedule to this certificate in respect of the land specified in the Second Schedule to this certificate and edged in black on the plan attached to this certificate, was lawful within the meaning of section 192 of the Town & Country Planning Act 1990 for the following reasons of compliance with the relevant criteria within Schedule 2, Part 1, Class A and Class F of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Conversion of the existing integrated garage to a habitable accommodation. This would include replacing the garage door with windows and brick to match existing as detailed on the submitted drawing number P01 'Titled proposed drawing floor plans and elevations'. The extension of the existing driveway would include removal of the tarmac and replacement with permeable surface as stated in the Planning Statement.

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Conversion of the existing integrated garage to a living room and utility area. This would include replacing the garage door with windows and brick to match existing as detailed on the submitted drawing number P01 'Titled proposed drawing floor plans and elevations'. The extension of the existing driveway would include removal of the tarmac and replacing permeable surface as stated in the planning statement.

AW/82/21/CLP - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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