

Recommendation Report for Lawful Development Certificate for an Existing Use or Operation or Activity including those in breach of a planning condition.

REF NO: A/128/18/CLE

LOCATION: 53 Mill Road Avenue
Angmering

PROPOSAL: Lawful development certificate for existing cladding to dormer face & cheeks being of materials of similar appearance to materials of existing building.

DESCRIPTION OF APPLICATION

The application seeks to replace existing hung-tile cladding with Marley Eternit Cedral cladding. Only this aspect of the development will be considered in this certificate.

DESCRIPTION OF SITE AND SURROUNDINGS

Residential.

RELEVANT SITE HISTORY

Noted.

REPRESENTATIONS

Representations received:

Angmering Parish Council
Parish Council - No objection.

Representations received from nearby occupiers:

- The proposal would have no visual relationship to neighbouring dwellings.
- The extension dominates the garden of #57 Mill Road Avenue.
- The boundary trees have been removed, and therefore there is less screening.
- French doors on the dormer could allow access to the roof of the single storey rear extension.

Comments on Representations received:

Noted. However, the comments made are the planning merits/effects of the cladding. This is a factual/legal application, where planning merits are not taken into account.

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 the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2015 (as amended).

- Class B, which pertains to additions to the roof 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 (General Permitted Development) Order 2015 under Schedule 2, Part 1, Class B prescribes the degree of works in relation to the enlargement of a dwellinghouse consisting of an addition or alteration to its roof that can be undertaken without the need to apply for Planning Permission. The development the subject of this application will therefore be assessed against the criteria contained within this part of the order.

Class B, B.2, (a) specifies that the materials used in any exterior work shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse. The materials are not considered to be similar in appearance to those used in other windows in the dwellinghouse, as they materially alter the appearance of the host dwelling.

Therefore, it is considered that the replacement materials subject of the lawful development certificate do not benefit from permitted development rights, as they conflict with Schedule 2, Part 1, Class B, B.2 of The Town and Country (General Permitted Development) Order 2015.

RECOMMENDATION

REFUSE

The use 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 not deemed to be lawful within the meaning of section 191 of the Town & Country Planning Act 1990 by reason that at the proposed cladding is not considered to be of a similar appearance to the materials existing on the dwellinghouse.

FIRST SCHEDULE

The certificate seeks to replace existing tile-hung cladding with proposed Marley Eternit Cedral cladding. This material was confirmed in the email dated 30-10-2018 09:32.

SECOND SCHEDULE

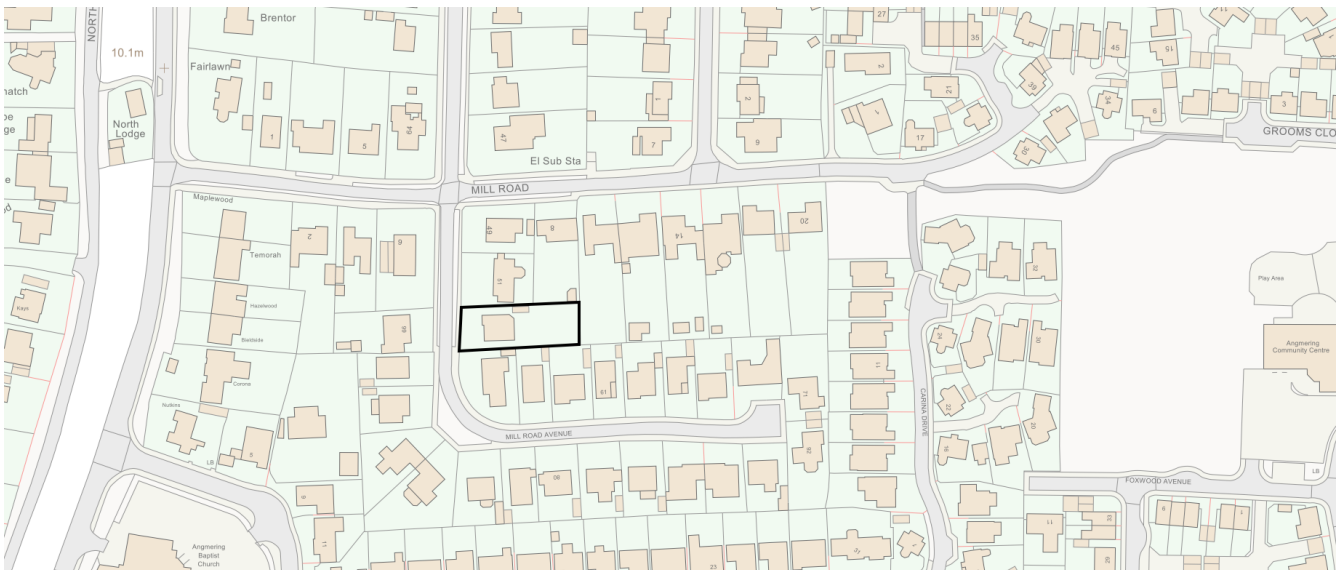
53 Mill Road Avenue, Angmering, West Sussex, BN16 4HX

EXTENT OF USE

Replacement of existing tile-hung cladding to dormer face and cheeks with proposed Marley Eternit Cedral cladding.

REASONS FOR REFUSAL OR INFORMATIVE(S)

- 1 The proposed material was not considered to be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse. Therefore, the proposed development conflicts with Schedule 2, Part 1, Class B, B.2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).



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