

Recommendation Report for Lawful Development Certificate for a Proposed Use or Development**REF NO:** BN/44/26/CLP**LOCATION:** 12 Warren Way
Barnham
PO22 0JX**PROPOSAL:** Lawful development certificate for the proposed replacement of existing garage door with window to the same extent on principal elevation.**DESCRIPTION OF APPLICATION**

The application seeks the replacement of existing garage door with window to the same extent on principal elevation.

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.

The internal alterations will be assessed against Section 55(2) of the Town and Country Planning Act 1990 (as amended) regarding the meaning of development.

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 replacement of existing garage door with window of the same extent is considered to fall under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, which states:

"Development not permitted

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 G, M, MA, N, P, PA 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) forms the principal elevation of the original dwellinghouse; or

(ii) fronts a highway and forms 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 original 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 a single storey, or

(iii) have a width greater than half the width of the original dwellinghouse;

(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.; or

(l) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses)."

The internal alterations are considered to fall under Section 55(2) of the Town and Country Planning Act 1990 (as amended) which states:

"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.

1A) 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."

The property known as 12 Warren Way is a terraced dwelling and is neither listed nor within a

conservation area. The external materials and finishes would be similar to the host dwelling.

There are no relevant permitted development restrictions upon this property.

The proposed replacement window and internal alterations comply with Section 55(2) of the Town and Country Planning Act 1990 (as amended) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015. It is considered permitted development and as such does not require the submission of an application for planning permission.

RECOMMENDATION

PP NOT REQUIRED

The Arun District Council hereby certify that on 31st march 2026, 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, would have been lawful within the meaning of section 192 of the Town & Country Planning Act 1990 by way of compliance with Section 55(2) of the Town and Country Planning Act 1990 (as amended) and Schedule 2, Part 1, Class A of the Town and Country Planning Act (General Permitted Development) (England) Order 2015 as amended.

FIRST SCHEDULE

The proposed replacement of the garage door with a window and internal alterations, as shown on the following plans:

Location, Block and Site Plans 2108-100

Existing and Proposed Floor Plans and Elevations 2108-001 A

SECOND SCHEDULE

12 Warren Way, Barnham, P022 0JX.

EXTENT OF USE

Lawful Development Certificate for the proposed replacement of the garage door with a window and internal alterations.

BN/44/26/CLP - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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