

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

REF NO: BR/257/18/CLP

LOCATION: Flat 1 Regis House
Richmond Road
Bognor Regis West Sussex

PROPOSAL: Lawful development certificate for the proposed replacement of 5 No. wooden windows like for like.

DESCRIPTION OF APPLICATION

The application seeks to replace existing wooden windows with like for like replacement wooden windows.

DESCRIPTION OF SITE AND SURROUNDINGS

RELEVANT SITE HISTORY

REPRESENTATIONS

Representations received:

Comments on Representations received:

CONSULTATIONS

Consultations responses received:

Comments on Consultation responses:

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.

CONCLUSIONS

For the purposes of the application it has to be determined whether the replacement of the windows with windows of a similar material (like for like) would constitute development.

The Town and Country Planning Act S55 Para 2 states:

"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 or works which

(i)affect only the interior of the building, or

(ii)do not materially affect the external appearance of the building,"

It is indicated by the detail as submitted that the proposed replacement windows in this application would not be materially different in appearance to those currently in situ. This is resultant of referring to their design, detailing (the materials and construction of the windows) and operation (layout of openings and how they work).

The proposal is considered to not to materially affect the appearance of the building, and is therefore considered to be development, in line with Section 55, Part 2(a)(ii) of the Town & Country Planning Act.

RECOMMENDATION

PP NOT REQUIRED

The Arun District Council hereby certify that on 10/10/2018 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 considered to be development within the meaning of section 55 of the Town & Country Planning Act 1990 for the following reasons:

- The replacement windows are considered, by virtue of their design, detailing and operation make them appear like for like to the existing windows. Therefore, the proposal is considered not to have a material impact on the external appearance of the dwelling, and is acceptable in accordance with Section 55 (2)(a)(ii) of the Town & Country Planning Act.

FIRST SCHEDULE

The replacement of existing windows like for like.

SECOND SCHEDULE

Flat 1, Regis House, Richmond Road.

EXTENT OF USE

The replacement of existing windows like for like. These details are shown in:

- schedule of windows pages 1 to 14 showing design of proposed windows, cross sections and elevations.