

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

REF NO: BR/54/18/CLP

LOCATION: Barnside
153 Chichester Road
Bognor Regis

PROPOSAL: Lawful development certificate for the proposed demolition & erection of brick wall at front of property.

DESCRIPTION OF APPLICATION

The proposal is to build a new wall 1.5 metres in height, widen the drive and widen the means of access onto the highway. In addition, it is proposed to move the proposed wall forward from its current position by 1.5 metres.

DESCRIPTION OF SITE AND SURROUNDINGS

A semi detached property with an 8 metre front garden and driveway to one side. The area is a suburban residential area in Bognor Regis. The property and driveway fronts onto Chichester Road a classified road, the B2259.

RELEVANT SITE HISTORY

None.

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 the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 (as amended);

Part 1

Class F, which relates to the hard surfaces incidental to the enjoyment of a dwellinghouse.

Part 2

Class A which relates to the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure

Class B which relates to Class B - means of access to a highway.

Provided the proposed works and change of use of land 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 proposed construction of a front wall adjacent to the highway does not comply with Part 2, Class A of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 (as amended) as under Class A.1 (a), (ii), development is not permitted if the proposed wall is adjacent to a highway and exceeds 1 metre in height.

The proposed widening of the driveway does not comply with Part 1, Class F of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 (as amended) because under Class F.2 (a) and (b) additional hard surfacing in the location proposed which exceeds 5 sq.m. needs to be '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' which has not been demonstrated in this application.

The proposed widening of the means of access onto the classified road B2559, Chichester Road does not comply with Part 2, Class B of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 (as amended) because the proposal is to form, lay out and construct a means of access onto a classified road.

RECOMMENDATION

PP REQUIRED

The Arun District Council hereby certify that on 22nd March 2018 the development and change of use of land proposed 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 reasons;

The proposal is contrary to Schedule 2;

**Part 1, Class F
Part 2 Class A
Part 2 Class B**

**of the Town and Country Planning (General Permitted Development) (Amendment)
(England) Order 2015 (as amended).**

FIRST SCHEDULE

The development proposed is to construct a wall on the frontage of the property and widen the driveway and means of access onto the highway as shown on the following submitted drawings and described with in the application form received on 19-02-2018;

Block Plan 1:200 received on 19-02-2018.

Photographs submitted received on 19-02-2018.

SECOND SCHEDULE

Barnside, 153 Chichester Road, Bognor Regis, PO21 5AF

EXTENT OF USE

The proposal is to construct a 1.5 metre high wall and to widen the hardstanding of the driveway and means of access onto the highway.



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