

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

**REF NO:** CM/58/19/CLP

**LOCATION:** 6 May Close  
Horsemere Green  
Climping  
BN17 5TF

**PROPOSAL:** Lawful development certificate for a proposed installation of flue to side elevation, garden landscaping, rooflights to front & rear elevation, blocking over garage door & rear tiled dormer.

**DESCRIPTION OF APPLICATION**

Lawful development certificate for a proposed installation of flue to side elevation, garden landscaping, rooflights to front & rear elevation, blocking over garage door & rear tiled dormer.

**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) (Amendment) (No. 2) (England) Order 2015 (as amended).

- Section 55 of the Town and Country Planning Act 1990
- Class A, which pertains to the enlargement, improvement, or other alterations to a dwellinghouse
- Class B, which pertains to the enlargement of a dwellinghouse consisting of an addition or alteration to its roof.
- Class C, which pertains to any other alterations to the roof of a dwellinghouse.
- Class G, which pertains to the installation, alteration or replacement of a chimney, flue or soil and vent pipe on 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.

## CONCLUSION

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" -

Meaning of "development" and "new development".

(1) 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.

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(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;

(b) the carrying out on land within the boundaries of a road by a F2... highway authority of any works required for the maintenance or improvement of the road ;

(c) the carrying out by a local authority or statutory undertakers of any works for the purpose of inspecting, repairing or renewing any sewers, mains, pipes, cables or other apparatus, including the breaking open of any street or other land for that purpose;

(d) the use of any buildings or other land within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse as such;

(e) the use of any land for the purposes of agriculture or forestry (including afforestation) and the use for any of those purposes of any building occupied together with land so used;

(f) in the case of buildings or other land which are used for a purpose of any class specified in an order

made by the Secretary of State under this section, the use of the buildings or other land or, subject to the provisions of the order, of any part of the buildings or the other land, for any other purpose of the same class.

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

Under Section 55 (a(i)) the proposed conversion of the loft space and the landscaping to the garden are not considered to be development and as such falls under permitted development rights.

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. The proposal would therefore not require an application for planning permission.

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 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 one storey, or
- (iii) have a width greater than half the width of the original dwellinghouse; or

(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

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.

(d) 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);

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 a single storey, or forms an upper storey on an existing enlargement of the original dwellinghouse, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.

B. The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.

B.1 Development not permitted

Development is not permitted by Class B if

(a) any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;

(b) any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which fronts any highway;

(c) it would increase the cubic content of the dwellinghouse by more than 40 cubic metres, in the case of a terrace house, or 50 cubic metres in any other case;

(d) the cubic content of the resulting building would exceed the cubic content of the original dwellinghouse

(i) in the case of a terrace house by more than 50 cubic metres or 10%, whichever is the greater,

(ii) in any other case, by more than 70 cubic metres or 15%, whichever is the greater, or

(iii) in any case, by more than 115 cubic metres; or

(e) the dwellinghouse is on article 1(5) land.

C. Any other alteration to the roof of a dwellinghouse.

Development not permitted

C.1 Development is not permitted by Class C if-

(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (changes of use);

(b) the alteration would protrude more than 0.15 metres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof;

(c) it would result in the highest part of the alteration being higher than the highest part of the original roof; or

(d) it would consist of or include-

(i) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or

(ii) the installation, alteration or replacement of solar photovoltaics or solar thermal equipment.

Conditions

C.2 Development is permitted by Class C subject to the condition that any window located on a roof slope forming a side elevation of the dwellinghouse must be-

(a) obscure-glazed; and

(b) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed

Class G. The installation, alteration or replacement of a chimney, flue or soil and vent pipe on a dwellinghouse.

Development not permitted

G.1 Development is not permitted by Class G if-

(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (changes of use);

(b) the height of the chimney, flue or soil and vent pipe would exceed the highest part of the roof by 1 metre or more; or

(c) in the case of a dwellinghouse on article 2(3) land, the chimney, flue or soil and vent pipe would be installed on a wall or roof slope which:

- (i) fronts a highway, and
- (ii) forms either the principal elevation or a side elevation of the dwellinghouse.

The property is known as 5 Kirkland Close is a detached bungalow and is not listed or within a Conservation Area. The proposed extension would be of materials would be of materials to match that of the existing.

Examination of the site history has revealed no restrictions on Permitted Development.

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| <b>RECOMMENDATION</b> |
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**PP NOT REQUIRED**

**The Arun District Council hereby certify that on 04/11/2019 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 by reason of compliance with the relevant criteria within Schedule 2 Part 1 Classes A, B, C and G of the Town and Country Planning (General Permitted Development) (England) Order 2015.**

**FIRST SCHEDULE**

**Lawful development certificate for a proposed installation of flue to side elevation, garden landscaping, rooflights to front & rear elevation, blocking over garage door & rear tiled dormer. This is shown on the following plans:**

- P-001-REV A**
- P-002-REV A**
- E-003**

**SECOND SCHEDULE**

**6 May Close, Horsemere Green, Climping, BN17 5TF**

**EXTENT OF USE**

**Lawful development certificate for a proposed installation of flue to side elevation, garden landscaping, rooflights to front & rear elevation, blocking over garage door & rear tiled dormer.**

**CM/58/19/CLP - Indicative Location Plan (Do not Scale or Copy)**  
**(All plans face north unless otherwise indicated with a north point)**



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