

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

REF NO: FG/98/14/CLP

LOCATION: 29 Downview Avenue
Ferring

PROPOSAL: Application for a Lawful Development Certificate for the proposed conversion of existing attached garage to habitable room.

DESCRIPTION OF APPLICATION

The proposal involves the conversion of the existing garage for use as a bedroom and the substitution of the existing garage door on the front elevation with a window.

DESCRIPTION OF SITE AND SURROUNDINGS

The site is located within a residential area and is occupied by a detached two-storey dwelling. Single-storey extensions have been made to both sides of the original dwelling.

RELEVANT SITE HISTORY

FG/133/04/	Single storey extension to the west side to enlarge the dining room and front extension to garage	ApproveConditionally 29-10-2004
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REPRESENTATIONS

Representations received:

None.

Comments on Representations received:

None.

CONSULTATIONS

Consultations responses received:

None.

Comments on Consultation responses:

None.

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.

It should first be established whether or not the proposed works constitute 'development' as described in Town and Country Planning Act 1990 Section 55. Any works that are qualified as development will be assessed against criteria contained within The Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008, Part 1 which sets out the Permitted Development rights extended to dwellinghouses and their residential curtilage.

CONCLUSIONS

The proposed garage conversion would not be regarded as 'development'. The Town and Country Planning Act 1990 (c. 8) Part III Section 55 Para. 2 (d) states that the use of any buildings or other land within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse is not development. The proposed use as an additional bedroom will be incidental to the enjoyment of the existing dwellinghouse. A site history search has confirmed that there are no conditions attached to the dwelling that prohibit the conversion of the garage to other residential uses.

Section 55 Para. 2 (a) informs that the carrying out for the maintenance, improvement or other alteration of any building or works which affect only the interior of the building, or do not materially affect the external appearance of the building are also not regarded as development. The internal conversion of the existing garage is therefore not classed as development.

The only external works involved consist of the replacement of the existing garage door with a window. The Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008, Part 1 Class A informs that the enlargement, improvement or other alteration of a dwellinghouse constitutes Permitted Development, unless it is one of the exceptions listed in Class A.1 and exceeds restrictions set out in that part of the order. The formation of ground floor openings are not listed as an exception and are not subject to any specific restrictions.

The observations made above demonstrate that the proposed garage conversion does not constitute development whilst the replacement of the existing garage door with a ground floor window qualifies as Permitted Development as per The Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 Article 3 Part 1 Class A.

Therefore, a certificate of lawful development should be granted.

RECOMMENDATION

PP NOT REQUIRED

The Arun District Council hereby certify that on the 7th of July 2014 the use and development described in the First Schedule to this certificate in respect of the land specified in the Second Schedule to this certificate and edged 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 for the following reasons:-

The proposed garage conversion does not constitute 'development' as defined in The

Town and Country Planning Act 1990 (c. 8) Part III Section 55 Para. 2.

The installation of the proposed ground floor window in place of the existing garage door qualifies as Permitted Development under The Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008, Part 1 Class A.

FIRST SCHEDULE

The conversion of the existing garage for use as a bedroom and the substitution of the existing garage door on the front elevation with a window.

SECOND SCHEDULE

29 Downview Avenue, Ferring, West Sussex, BN12 6QW

EXTENT OF USE

Garage conversion.



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