

Recommendation Report for Lawful Development Certificate for a Proposed Use or Development**REF NO:** FP/151/15/CLP**LOCATION:** 26A Felpham Way
Felpham**PROPOSAL:** Lawful development certificate for a proposed garage conversion into study & utility room**DESCRIPTION OF APPLICATION**

The application indicated that the garage would be converted to a study and utility room. Alterations to the dwelling to convert the garage would be the bricking up of the lower part of the garage opening in line with the existing front of the garage and installation of a window above this up to existing eaves level. In addition, an existing side elevation window would be replaced by 2 smaller windows to serve the study and the utility room.

DESCRIPTION OF SITE AND SURROUNDINGS

The site is occupied by a detached bungalow with integral single garage. To the front of the single garage there is a car space for 1 car. Access if from Felpham Way.

RELEVANT SITE HISTORY

BR/35/57	Outline - 1 dwelling	Refused 29-03-1957
BR/35/57/A	Outline - 1 dwelling	ApproveConditionally 07-05-1958
BR/35/57/B	Bungalow and garage	Refused 10-03-1959
BR/35/57/C	Bungalow and garage	Approve 26-03-1959

There are no conditions which require the retention of the garage for use as a garage/parking.

REPRESENTATIONS**Representations received:**

No representation received.

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 criteria contained within The Town and Country Planning (General Permitted Development)(England) Order 2015, Part 1.

- Class A, which pertains to the enlargement, improvement, or other alterations to a dwellinghouse such as rear or side extensions as well as general alterations such as new windows and doors.

Provided the proposed works satisfy the relevant criteria, and that no restrictive conditions to development have been imposed on the site (planning conditions or Article 4 Directions restricting permitted development), 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

There is no record of permitted development rights for extensions to dwellings having been removed or restricted by planning condition. There is also no record of conditions which require the retention of the garage for use as a garage/parking.

In this instance the proposed works will be assessed against the criteria contained within The Town and Country Planning (General Permitted Development) 2015.

The site is not on Article 1(5) Land.

Class A

This provides permitted development rights for the enlargement, improvement or other alteration of a house.

Under Class A the following limits and conditions apply:

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

(a) 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)

(b) 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

(c) 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

(d) the enlarged part of the dwellinghouse would extend beyond a wall which -

(i) fronts a highway, and

(ii) forms either the principal elevation or a side elevation of the original dwellinghouse

(e) 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

(ea) until 30th May 2016, for a dwellinghouse not on article 1(5) 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

f) the enlarged part of the dwellinghouse would have more than one 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 opposite the rear wall of the dwellinghouse

(g) 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

Where any part of a proposed extension to a house is within two metres of the boundary of the land surrounding the property, then the maximum height of the eaves that is allowed for all parts of the proposal is three metres.

(h) 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

(k)

(i) it would consist of or include -

(i) the construction or provision of a veranda, 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 1(5) land, development is not permitted by Class A if

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(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

Conditions

A.3 Development is permitted by Class A subject to the following conditions-

(a) the materials used in any exterior work (other than 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 shall be -

(i) obscure-glazed, and

(ii) 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

(c) where the enlarged part of the dwellinghouse has more than one storey, the roof pitch of the enlarged part shall, so far as practicable, be the same as the roof pitch of the original dwellinghouse

The replacement windows and doors have been detailed in the Description of Application section of the report. The replacement windows and doors are within the limits set out in Class A as the works:

1. Does not cover more than 50% of the remaining curtilage.
2. Does not exceed the height of highest part of the roof of the existing dwelling.
3. The eaves do not exceed the height of the eaves of the existing dwelling.
4. Does not extend beyond a wall which fronts a highway and which forms a principal elevation.
5. Is not an extension exceeding 3m in depth.
6. Is not an extension.
7. The eaves do not exceed 3m in height within 2m of a boundary.
8. Is not on a side elevation extension.
9. Does not consist of or include a veranda, balcony or raised platform. Does not involve a microwave antenna. does not include a chimney, flue or soil or vent pipe. And does not involve an alteration of the roof of the dwelling.
10. Materials are proposed to match those of the existing dwelling.
11. No new upper floor windows are involved.

Planning permission is not therefore required.

RECOMMENDATION

APPROVE

The Arun District Council hereby certify that on 27th July 2015 the works 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 in black on the plan attached to this certificate is lawful within the meaning of section 192 of the Town & Country Planning Act 1990 by reasons of compliance with relevant criteria within Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 2015. In addition, there are no planning conditions attached to any planning permission(s) for the dwellings preventing loss of the garage for garage use or parking use.

FIRST SCHEDULE

Alterations to dwelling to convert existing garage to study and utility room by the bricking up of the lower part of the garage opening in line with the existing front of the garage and installation of a window above this up to existing eaves level. In addition, replace existing side elevation window with 2 smaller windows to serve the study and the utility room. The works and development is as submitted in application number FP/151/15/CLP and as shown on the following drawings:

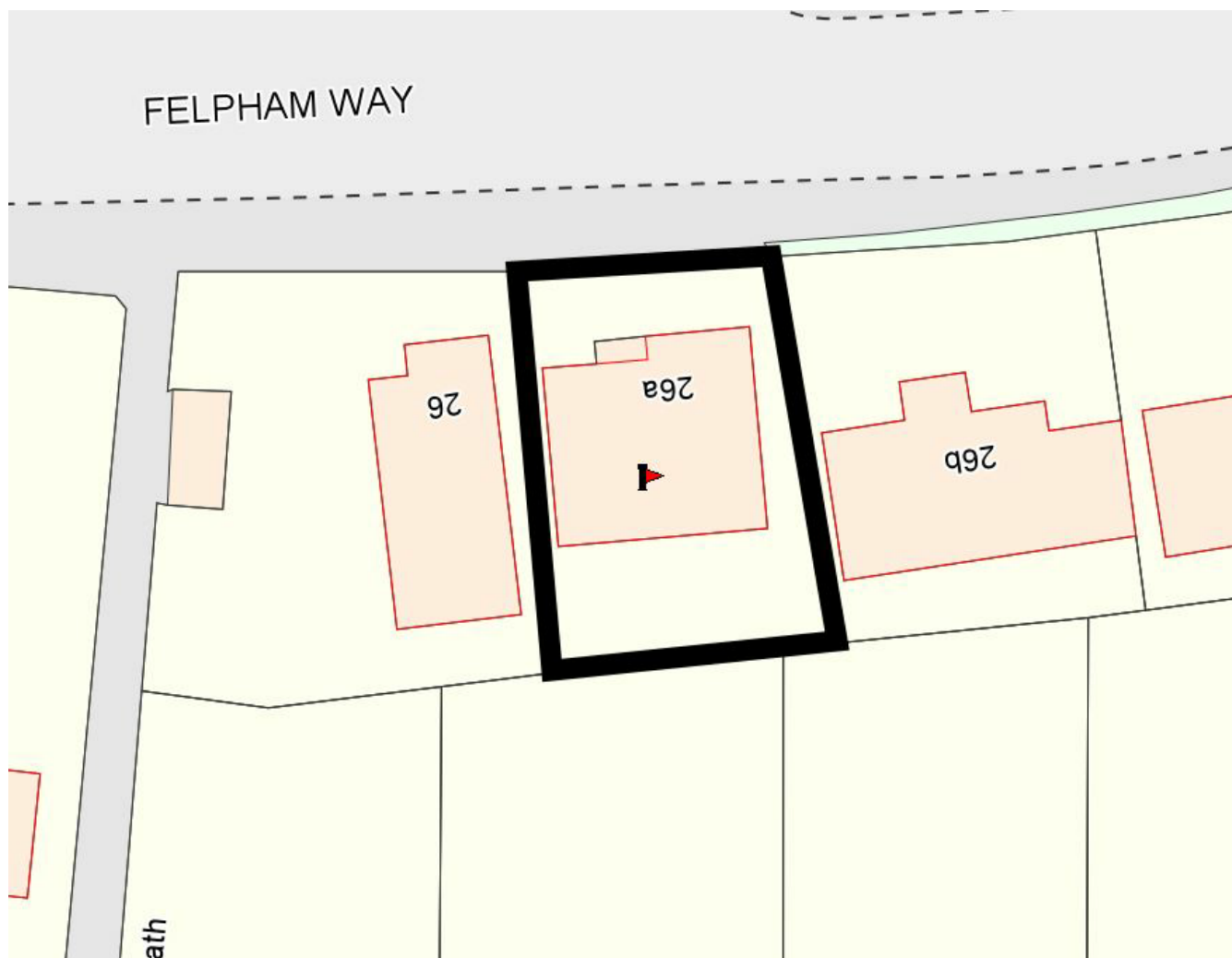
Drawing Number 156/03 - Proposed Drawing, Garage Conversion - Dated July 2015

Drawing Number 156/02 - Existing Drawing, Garage Conversion - Dated July 2015

Drawing Number 156/01 - Site Plan - Dated July 2015

SECOND SCHEDULE

26A Felpham Road, Felpham, Bognor Regis, West Sussex PO22 8QT



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