

CERTIFICATE OF LAWFUL PROPOSED DEVELOPMENT REPORT**REF NO:** **FP/45/11/CLP****LOCATION:** 1-54 Gateway Lodge
 Felpham Road
 Felpham**PROPOSAL:** Application for certificate of lawfulness for a proposed use - Replacement timber windows and doors with PVCu**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above
SITE AREA	Approximately 0.52 hectares
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Open to front.
SITE CHARACTERISTICS	The site is a two storey retirement apartment complex, with brick faced elevations and a pitched tiled roof.
CHARACTER OF LOCALITY	The site is located in close proximity to the centre of Felpham Village, with commercial properties to the east in Felpham Road, the remainder being residential.

RELEVANT SITE HISTORY

BR/349/67	Covered way	Approve Cond 07-07-1967
BR/138/69	Sectionasl classroom	Approve Cond 14-04-1969
BR/63/75	Mobile classroom	Approve 12-03-1975
BR/325/75	Erection of classroom unit	Approve 05-06-1975
BR/697/78	Outline for 5 dwellings	Withdrawn 09-10-1978

BR/848/78	Outline for 4 no dwellings houses	Approve Cond 06-12-1978
BR/849/78	Change of use from school with living accommodation to 3 no self contained flats	Approve Cond 06-12-1978
BR/922/83	Outline for residential development for the elderly retaining existing building application under Reg 4 Town & Country	Withdrawn 11-11-1983
BR/923/83	O/A for application under Reg 4 Town & Country Planning General Regulations 1976 residential development for elderly	Approve Cond 23-11-1983
BR/212/84	Category 2 sheltered housing 74 flats together with warden flats ancillary accommodation associated car parking	Refused 25-04-1984
BR/441/84	Category 2 sheltered housing 66 flats together with wardens flats ancillary accommodation associated car parking and	Approve Cond 12-12-1984
FP/36/86	Proposed sheltered accommodation for the elderly comprising of 50 no 2 bedroom flats including 1 no wardens accommodation	Approve Cond 08-07-1986

REPRESENTATIONS**Representations received:**

N/A

Comments on Representations received:

N/A

CONSULTATIONS**Consultations responses received:**

None

Comments on Consultation responses:

None

DEVELOPMENT PLAN AND/OR 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.

S55 (2) (a) TCPA 1990 states that works which affect only the interior of a building...do not materially affect the external appearance... do...not involve development

It appears to me from the evidence described above that these proposals fit within this category. Accordingly they are not development. Accordingly they do not need planning permission.

I have not seen any evidence which suggest that PD Rights are an issue or need consideration. They only refer to development which I have concluded that this is not.

I refer to the cases at EPL Vol 5 para 3B 2068.13 and 1987 JPL 144 and Uttlesford DC v SoSE 1992 JPL 171 to establish that internal works of this nature are not development being part and parcel of the domestic accommodation.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

This application seeks a Certificate of Lawfulness for proposed replacement windows at Gateway Lodge, Felpham.

The existing windows are rosewood stained timber, whilst those proposed are rosewood effect upvc. The only alterations proposed to the openings of the windows is the provision of top-opening fanlights, however even these would match some of the existing windows that have already been replaced.

Section 55 paragraph 2 (a) of the Town and Country Planning Act (1990) states that works which (i) affect only the interior of the building, or (ii) do not materially affect the external appearance of the building, do not involve development of the land.

The proposed replacement windows are not considered to materially affect the external appearance of the building, and therefore are not deemed to require planning permission.

RECOMMENDATION

PLANNING PERMISSION NOT REQUIRED

- 1 The Arun District Council hereby certify that on the 10th March 2011 the use hereby described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged boldly on the plan attached to this certificate was lawful within the meaning of Section 192 of the Town and Country Planning Act 1990 (as amended), for the following reason:
The proposed replacement windows are not deemed to constitute 'development' as defined under Section 55 of the Town and Country Planning Act (1990).
- 2 The proposal is for replacement windows.
- 3 The proposed windows would be of rosewood effect upvc, with openings similar to the existing, with the exception of additional top opening fanlights in some locations.
- 4 1-54 Gateway Lodge, Felpham Road, Felpham, West Sussex, PO22 7NS.