

Recommendation Report for Lawful Development Certificate for an Existing Use or Operation or Activity including those in breach of a planning condition.

REF NO: LU/122/18/CLE

LOCATION: The Stetson, Flat 13
8 St Catherines Road
Littlehampton

PROPOSAL: Lawful development certificate for the existing installation of 4 No. double glazed windows

DESCRIPTION OF APPLICATION

The development is for 4 double glazed windows.

DESCRIPTION OF SITE AND SURROUNDINGS

The site is occupied by a building consisting of 13 separate flats.

RELEVANT SITE HISTORY

None

REPRESENTATIONS

Representations received:

Littlehampton Town Council

None

Comments on Representations received:

Parish Council provided no objection to the application.

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) (England) Order 2015 (as amended).

- Class A, which pertains to the enlargement, improvement, or other alterations to 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.

CONCLUSIONS

For the purposes of the application it has to be determined whether the installation of 4 No. double glazed windows constitutes development.

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'

(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, of

(ii)do not materially affect the external appearance of the building,

The applicant has stated that the previous wooden windows were rotten and therefore the works were required. The windows replaced were of the same size and in the same position and are of similar appearance to those in neighbouring flats and the surrounding area.

Therefore it can be determined that the alterations to the windows were carried out for maintenance and improvement and do not materially affect the external appearance of the building and therefore do not constitute development as stated in the Town and Country Planning Act, S55 Para 2 (a)(ii).

RECOMMENDATION

APPROVE

The works 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 191 of the Town & Country Planning Act 1990 by reason that the installation of 4 windows were carried out for maintenance and improvement and do not materially affect the external appearance of he building.

FIRST SCHEDULE

Installation of 4 No.double glazed windows.

SECOND SCHEDULE

The Stetson, Flat 13, 8 St Catherines Road, Littlehampton, West Sussex, BN17 5HS

EXTENT OF USE

Installation of 4 No. double glazed windows.



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