

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

REF NO: LU/169/20/CLP

LOCATION: 25 Oakcroft Gardens
Littlehampton
BN17 6LT

PROPOSAL: Lawful development certificate for the proposed change of use existing detached garage to a Hair and Beauty Salon.

DESCRIPTION OF APPLICATION

Lawful development certificate for the proposed change of use existing detached garage to a Hair and Beauty Salon.

RELEVANT SITE HISTORY

LU/77/11/DOC	Application for details reserved by conditions 3 and 6 imposed under LU/389/10.	DOC Approved 25-05-11
LU/217/10/	Outline application for a dormer bungalow on land at 25 oakcroft gardens, littlehampton, with all matters reserved	Refused 22-09-10
LU/389/10/	1 no. new dwelling	App Cond with S106 09-02-11

REPRESENTATIONS

Representations Received:

Peter Herbert, Town Clerk

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).

- 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.

CONCLUSION

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.'

The partial change of use is considered against S55 Para 2(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.

The applicant intends to use the garage as a beauty room for treatments 4 days a week. The applicant is to be the only employee and the treatments will be by appointment only. The working hours will be 9am-5pm on weekdays with one evening until 7pm and 9am-3pm on a Saturday. The rest of the property will remain residential and the space that will be used as a beauty room will be a small area which will also be used as a living space at the end of the working day.

It is considered the change of use as a treatment room is not a material change and is incidental to the existing C3 use of the dwellinghouse and therefore does not constitute development.

The Town and Country Planning Act S55 Para 2(a) informs that the carrying out for the maintenance, improvement or other alteration of any 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 proposed garage conversion to habitable space would not be regarded as development.

However the change of garage door with a replacement window and door is considered to fall under Schedule 2 Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015.

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) forms the principal elevation of the original dwellinghouse; or

(ii) fronts a highway and forms 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) until 30th May 2019, 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 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;

(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 opposite the rear wall of the 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 a single storey, or

(iii) have a width greater than half the width of the original dwellinghouse; or

(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 a single storey and extend beyond the rear wall of the original dwellinghouse.

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) must 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 1.7 metres 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, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.

The property known as 22 Arlington Crescent is a two storey property and is not a listed building or within a Conservation Area and materials would be similar to that of the existing dwelling.

The proposed window and door of the front of the garage complies with relevant sections (a),(b),(c),(d),(f)(i)(ii),(h),(i),A.3(a) and is considered to be 'Permitted Development' and as such does not require the submission of an application for full planning permission.

Examination of the site history of the site has revealed no restrictions on permitted development.

RECOMMENDATION

PP NOT REQUIRED

FIRST SCHEDULE

- Existing & Proposed Floor Plans and Elevations Dwg No 03
- Proposed Site Plan Dwg No 688-DPA-02
- The applicant intends to use the garage as a beauty room for treatments 4 days a week.
- The applicant is to be the only employee and the treatments will be by appointment only.
- The working hours will be 9am-5pm on weekdays with one evening until 7pm and 9am-3pm on a Saturday.
- The rest of the property will remain residential and the space that will be used as a beauty room will be a small area which will also be used as a living space at the end of the working day.

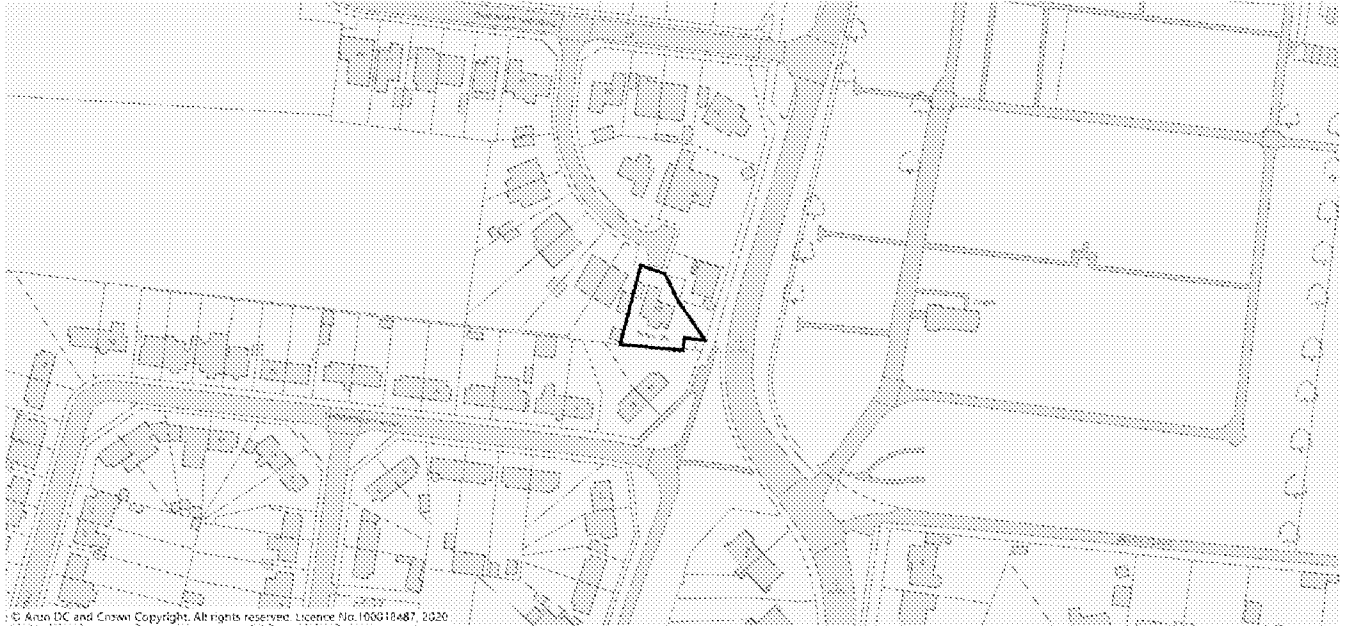
SECOND SCHEDULE

25 Oakcroft Gardens Littlehampton

EXTENT OF USE

The Arun District Council hereby certify that on the 20/7/2020 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, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015.

LU/169/20/CLP - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



Based on the Ordnance Survey mapping with permission of the Controller of Her Majesty's Stationery Office © Crown Copyright.
Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Arun District Council
100018487. 2015