

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

REF NO: LU/203/19/CLP

LOCATION: Flat 7
3 Fitzalan Road
Littlehampton
BN17 5JL

PROPOSAL: Certificate of Lawfulness for replacement of two existing white PVC windows to the top floor one-bedroom apartment by new PVCu windows of a similar appearance

DESCRIPTION OF APPLICATION

Applicant seeks to replace two existing windows for two of similar appearance in new UPVC.

RELEVANT SITE HISTORY

REPRESENTATIONS

Representations Received:

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

The proposed replacement existing windows with UPVC framed windows, would constitute 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, or

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

It is indicated by the detail as submitted that the proposed replacement windows in this application would not be materially different in appearance to those currently in situ. This is resultant of referring to their design, detailing (the materials and construction of the windows) and operation (layout of openings and how they work).

The proposal is considered to not to materially affect the appearance of the building, and is therefore considered to be development, in line with Section 55, Part 2(a)(ii) of the Town & Country Planning Act. he proposal would therefore not require an application for planning permission.

The Town Council's Planning and Transportation Committee considered this matter at its meeting held on Monday 22nd July 2019 and had no objection to the application.

RECOMMENDATION

PP NOT REQUIRED

The Arun District Council hereby certify that on 08/07/2019 the 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 not considered to be development within the meaning of section 55 of the Town & Country Planning Act 1990 for the following reasons:

- The replacement windows are considered, by virtue of their design, detailing and operation make them appear like for like to the existing windows. Therefore, the proposal is considered not to have a material impact on the external appearance of the dwelling, and is acceptable in accordance with Section 55 (2)(a)(ii) of the Town & Country Planning Act.

FIRST SCHEDULE

The proposed replacement existing windows with UPVC framed windows. This is shown in the following details:

- Proposed windows replacement to top floor dormer windows - 3FITZ/01 - Jun 19 - P01**

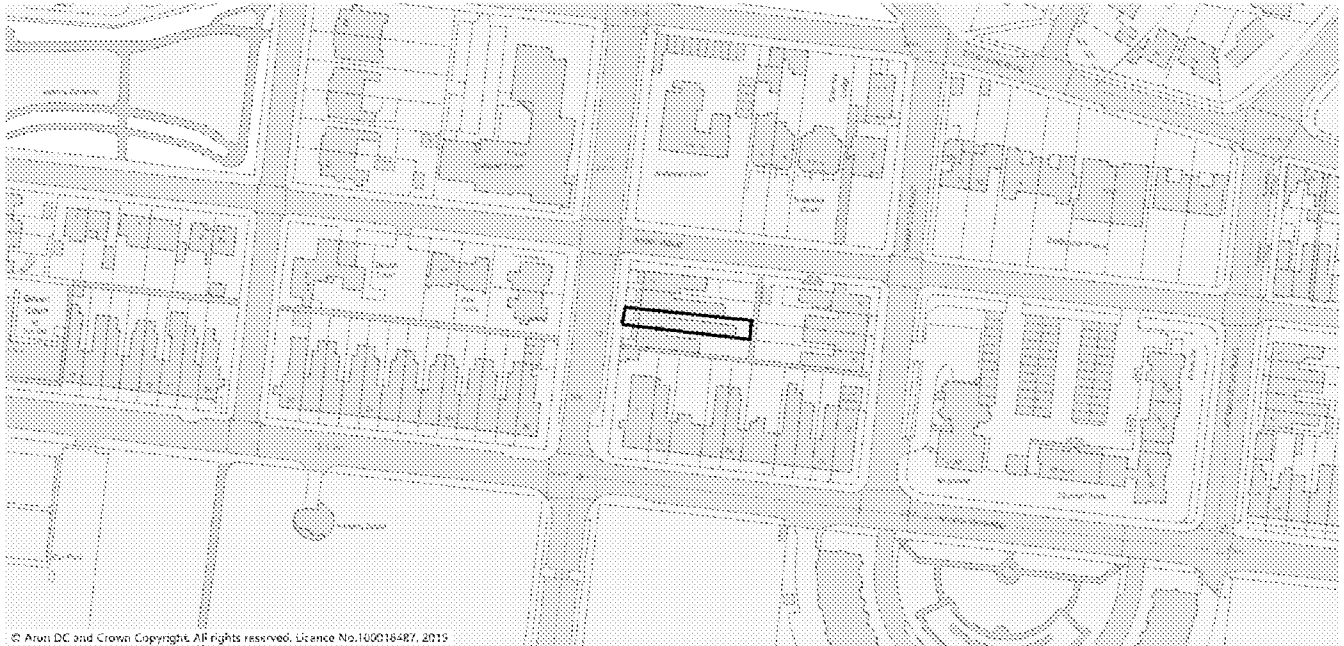
SECOND SCHEDULE

**Flat 7,
3 Fitzalan Road,
Littlehampton**

EXTENT OF USE

The proposed replacement existing windows with UPVC framed windows.

LU/203/19/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