

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

REF NO: M/77/15/CLP

LOCATION: 7 Elm Drive
Elmer
Middleton-on-Sea

PROPOSAL: Lawful development certificate for a proposed garage conversion

DESCRIPTION OF APPLICATION

The proposal involves the conversion of the existing integral garage in order to provide additional residential accommodation. The existing garage door on the primary elevation and the side access door to the garage will be replaced with windows.

DESCRIPTION OF SITE AND SURROUNDINGS

The site is occupied by a two-storey detached dwelling with an integrated garage. The area is predominantly residential and features properties of various designs and styles.

RELEVANT SITE HISTORY

None.

REPRESENTATIONS

Representations received:

None.

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.

It should first be established whether or not the proposed works constitute 'development' as described in Town and Country Planning Act 1990 Section 55. Any works that are qualified as

development will be assessed against criteria contained within The Town and Country Planning (General Permitted Development) Order 2015, Schedule 2, Part 1 which sets out the Permitted Development rights extended to dwellinghouses and development within their residential curtilage.

CONCLUSIONS

The proposed garage conversion would not be regarded as 'development'. The Town and Country Planning Act 1990 (c. 8) Part III Section 55 Para. 2 (d) states that the use of any buildings or other land within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse is not development. Planning history also shows that there were no conditions imposed prohibiting the conversion of the garage without the prior written approval of the Local Planning Authority.

Section 55 Para. 2 (a) informs that the carrying out for the maintenance, improvement or other alteration of any building of 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 internal conversion of the existing garage is therefore not classed as development. A site history search has confirmed that there are no conditions attached to the dwelling that prohibit the conversion of garage to habitable rooms.

The only external works involved consist of the replacement of the existing garage door and side access garage door with windows. The Town and Country Planning (General Permitted Development) Order 1995 (as amended), under Schedule 2, Part 1, Class A informs that the enlargement, improvement or other alteration of a dwellinghouse constitutes Permitted Development, unless it is one of the exceptions listed in Class A.1 or exceeds restrictions set out in that part of the order. Ground floor windows are not listed as an exception and are not subject to any specific restrictions.

Permitted Development under Class A is granted subject to various conditions listed under A.3, one of which is applicable to the proposed scheme. This requires that external finishes of alterations are similar in appearance to the external finishes of the existing building. Most of the existing opening would feature a window which is similar in appearance to those of the existing dwelling. Whilst, the drawings suggest that the materials will match in appearance those used in the construction of the original dwelling and this would therefore be in compliance with this limitation.

RECOMMENDATION

PP NOT REQUIRED

The Arun District Council hereby certify that on 17/07/2015 the matter 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, would have been lawful within the meaning of section 192 of the Town & Country Planning Act 1990 for the following reasons;

- The proposed garage conversion does not constitute 'development' as defined in The Town and Country Planning Act 1990 (c. 8) Part III Section 55 Para. 2.

- The provision of a new ground floor window in place of the existing garage door qualifies as Permitted Development under The Town and Country Planning (General Permitted Development) Order 1995 (as amended), under Schedule 2, Part 1, Class A.

FIRST SCHEDULE

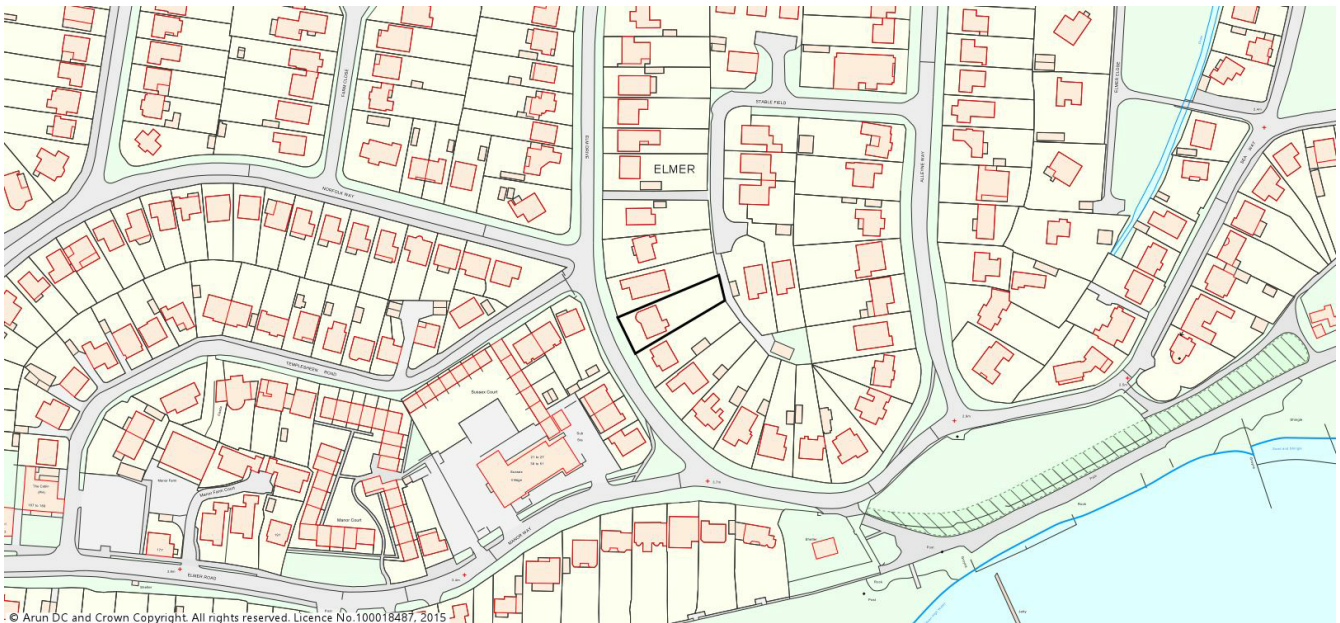
Conversion of the existing integrated garage to living accommodation, incidental to the primary occupation of the dwelling. Replacement of the existing garage door and side access door with ground floor windows.

SECOND SCHEDULE

7 Elm Drive, Middleton-on-Sea, West Sussex, PO22 6JD.

EXTENT OF USE

Garage conversion to provide habitable room incidental to the primary use of the dwellinghouse.



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