

CERTIFICATE OF LAWFUL PROPOSED DEVELOPMENT REPORT

REF NO: PA/13/11/CLP

LOCATION: Olivers Cottage
141 The Street
Patching

PROPOSAL: Application for a lawful development certificate for a proposed development to install 15 no. solar panels on west facing roof & replace existing PVCu cladding on garage with wood panels & a small window

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The proposal involves the addition of 15 solar panels on the west facing roof of the dwelling and the change on the gable of the garage from PVCu cladding to timber and insertion of a window on the north elevation of the existing garage at first floor level.
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	N/A
SITE CHARACTERISTICS	The site is occupied by a detached two storey dwelling. A conservatory extension has been added to the side.
CHARACTER OF LOCALITY	Rural area with scattered residential properties of varying design.

RELEVANT SITE HISTORY

REPRESENTATIONS

Representations received:

N/A

Comments on Representations received:

N/A

CONSULTATIONS

Consultations responses received:

N/A

Comments on Consultation responses:

N/A

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.

In this instance, the proposal will be assessed against criteria contained within The Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 Part 1, Class A which sets out the scale of works that can be carried out in relation to enlargements, improvements or other alterations without needing to obtain planning permission and Part 40, Class A.

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

The proposal involves the change including materials to the garage and an additional window. These alterations fall to be considered against the criteria set out in The Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008, Part 1, Class A. Consequently, the proposal will be assessed against criteria within this part of the order to ascertain whether planning permission is required or not.

The order states that any windows in the side elevation of the dwelling house shall be obscure glazed and non-opening above 1.7m. These restrictions do not apply to ancillary buildings.

The order requires that, for cladding on a dwelling in a Conservation Area to be permitted development must not extend beyond the plane of any wall forming a side elevation of the dwelling and must match materials of the existing dwelling. These restrictions do not relate to ancillary buildings. The change from PVCu to timber would not materially alter the appearance of the building.

The proposed solar panels fall to be considered against the criteria in Part 40, Class A, in relation to Article 1(5) land. The solar panels are to be located on a roof not a wall and therefore accord with the requirements of part A1(C). They would be no higher than the ridge and therefore accord with part A1(b) on the basis that they would not project more than 200mm beyond the plane of the roof slope and would comply with part A1(a). The drawing submitted as Option 1 refers to panel sizes of 1665 x 991 x 50 which relates to millimetres. The north elevation plan refers to a maximum projection of solar panels of 1500mm. The proposal would therefore not exceed the depth limits.

It has been demonstrated that the proposed works comply with all relevant criteria within The Town and Country Planning (General permitted Development) (Amendment) (No. 2) (England) Order 2008 Part 1, Class A and Part 40 Class A and, therefore, planning permission would not be required in order for them to be carried out

RECOMMENDATION

PLANNING PERMISSION NOT REQUIRED

- 1 The Arun District Council hereby certify that on the 1st June 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 191 of the Town and Country Planning Act 1990 (as amended), for the following reason.

The proposed works comply with relevant criteria within The Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008, Part 1, Class A and Part 40, Class A and therefore constitute Permitted Development.

- 2 The proposed development is a window in the north elevation of the garage, replacement of PVCU cladding on garage with wood boarding and installation of 15 solar panels on west facing roof of dwellinghouse .
- 3 The proposed solar panels are a maximum width of 0.99metres, a maximum length of 1.66 metres and a maximum depth of 50mm and would be located on the west elevation of the dwellinghouse. The window would be added to the north elevation of the garage and measure 0.8mx 0.8m and the timber boarding would replace UPVC cladding on the garage. The proposed development is as detailed on the submitted elevation plans and option 1 roof plan.
- 4 Olivers Cottage, 141 The Street, Patching, West Sussex, BN13 3XF.