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

REF NO: **R/116/20/CLP**

LOCATION: 19 Chaucer Avenue
Rustington
BN16 2PQ

PROPOSAL: Lawful development certificate for the re-siting and extension of existing garage

DESCRIPTION OF APPLICATION

Lawful development certificate for the re-siting and extension of existing garage

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) (England) Order 2015 (as amended).

- Class E, which pertains to buildings etc incidental to the enjoyment of 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

Permitted development
E. The provision within the curtilage of the dwellinghouse of

(a) any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure; or

(b) a container used for domestic heating purposes for the storage of oil or liquid petroleum gas.

Development not permitted

E.1 Development is not permitted by Class E if
(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (changes of use);
(b) the total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);
(c) Any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse;
(d) the building would have more than a single storey;
(e) the height of the building, enclosure or container would exceed
(i) 4 metres in the case of a building with a dual-pitched roof,
(ii) 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse, or
(iii) 3 metres in any other case;
(f) the height of the eaves of the building would exceed 2.5 metres;
(g) the building, enclosure, pool or container would be situated within the curtilage of a listed building;
(h) it would include the construction or provision of a verandah, balcony or raised platform;
(i) it relates to a dwelling or a microwave antenna; or
(j) the capacity of the container would exceed 3,500 litres.; or
(k) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).

The property known as 19 Chaucer Avenue is not a Listed Building or within a Conservation Area. The proposed windows would be of materials similar to existing.

The proposed external changes to the garage conversion comply with relevant sections and are considered to be "Permitted Development", and as such does not require the submission of an application for full planning permission.

RECOMMENDATION

PP NOT REQUIRED

The Arun District Council hereby certify that on 26/06/2020 use/operation 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 development is considered to comply with the relevant criteria within Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) 2015.

FIRST SCHEDULE
The re-siting and extension of existing garage. This would include alterations to existing windows, with materials similar to those existing. This is detailed on the following plans:
- Location Plan
- Block Plan
- Existing and Proposed Floor Plans
- Existing and Proposed Elevations

SECOND SCHEDULE
19 Chaucer Avenue, Rustington, West Sussex

EXTENT OF USE
The re-siting and extension of existing garage.

R/116/20/CLP - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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