

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

REF NO: R/159/19/CLP

LOCATION: 16 Windmill Drive
Rustington
BN16 3HJ

PROPOSAL: Lawful development certificate for a proposed conversion of garage in to habitable room.

DESCRIPTION OF APPLICATION

The application site is populated by a detached bungalow. The area is predominantly dominated by residential building, and features properties of various designs and styles.

The application seeks a lawful development certificate for a proposed conversion of garage in to habitable room and alter the existing window layouts.

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 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 garage conversion is considered to fall under Schedule 2 Part 1 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015.

A.1 Development is not permitted by Class A if:

(a) the cubic content of the resulting building would exceed the cubic content of the original dwellinghouse

(i) in the case of a terrace house or in the case of a dwellinghouse on article 1(5) land, by more than 50 cubic metres or 10 %, whichever is the greater,

(ii) in any other case, by more than 70 cubic metres or 15%, whichever is the greater,

(iii) in any case, by more than 115 cubic metres;

(b) the part of the building enlarged, improved or altered would exceed in height the highest part of the roof of the original dwellinghouse;

(c) the part of the building enlarged, improved or altered would be nearer to any highway which bounds the curtilage of the dwellinghouse than

(i) the part of the original dwellinghouse nearest to that highway, or

(ii) any point 20 metres from that highway, whichever is nearer to the highway;

(d) in the case of development other than the insertion, enlargement, improvement or other alteration of a window in an existing wall of a dwellinghouse, the part of the building enlarged, improved or altered would be within 2 metres of the boundary of the curtilage of the dwellinghouse and would exceed 4 metres in height;

(e) the total area of ground covered by buildings 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);

(f) it would consist of or include the installation, alteration or replacement of a satellite antenna;

(g) it would consist of or include the erection of a building within the curtilage of a listed building; or

(h) it would consist of or include an alteration to any part of the roof.

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 one 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 the materials used in the construction of a conservatory) shall 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 1.7m above the floor of the room in which the window is installed; and
- (c) where the enlarged part of the dwellinghouse has more than one storey, the roof pitch of the enlarged part shall, so far as practicable, be the same as the roof pitch of the original dwellinghouse.

The property known as 16 Windmill Drive is a detached property and is not a listed building or within a Conservation Area. The proposed windows would be of materials similar to existing.

The proposed garage conversion complies with relevant sections (a),(b),(c),(d),(e),(i), (j)(i)(ii)(iii), (k) and is considered to be "Permitted Development", and as such does not require the submission of an application for full planning permission.

55 Meaning of "development" and "new development".

(1) Subject to the following provisions of this section, in this Act, except where the context otherwise requires, "development," means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.

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(2) 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,

and are not works for making good war damage or works begun after 5th December 1968 for the alteration of a building by providing additional space in it underground;

(b) the carrying out on land within the boundaries of a road by a F2. . . highway authority of any works required for the maintenance or improvement of the road ;

(c) the carrying out by a local authority or statutory undertakers of any works for the purpose of inspecting, repairing or renewing any sewers, mains, pipes, cables or other apparatus, including the breaking open of any street or other land for that purpose;

(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 as such;

(e) the use of any land for the purposes of agriculture or forestry (including afforestation) and the use for any of those purposes of any building occupied together with land so used;

(f) in the case of buildings or other land which are used for a purpose of any class specified in an order made by the Secretary of State under this section, the use of the buildings or other land or, subject to the provisions of the order, of any part of the buildings or the other land, for any other purpose of the same class.

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It is considered that the conversion of the garage to residential use is an internal operation where according to section 55 of the Act is not development requiring planning permission.

RECOMMENDATION

PP NOT REQUIRED

The Arun District Council hereby certify that on 05/07/2019 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 development is considered to comply with the relevant criteria within Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) 2015 and section 55 of the Town and Country Planning Act 1990.

FIRST SCHEDULE

Conversion of a garage into a habitable room.

SECOND SCHEDULE

16 Windmill Drive, Rustington, West Sussex, BN16 3HJ

EXTENT OF USE

The proposed development shall be carried out in accordance with the following plans:

- Proposed Layouts of Conversion of Existing Garage- 888/02- 19/08/2019.

R/159/19/CLP - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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