

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

REF NO: R/199/18/CLP

LOCATION: 33 Ruston Park
Rustington

PROPOSAL: Lawful development certificate for proposed alterations to widen driveway & garage opening

DESCRIPTION OF APPLICATION

The proposed development seeks to widen the existing driveway, increase the size of the opening to an existing garage and create a means of access to the adjacent highway, by way of a dropped kerb.

DESCRIPTION OF SITE AND SURROUNDINGS

RELEVANT SITE HISTORY

REPRESENTATIONS

Representations received:

Comments on Representations received:

CONSULTATIONS

Consultations responses received:

Comments on Consultation responses:

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).

- Schedule 2, Part 1, Class F, which relates to the creation of hard surfaces incidental to the enjoyment of a dwellinghouse.
- Schedule 2, Part 2, Class B, which relates to the creation of means of access from the site to highways.

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.

CONCLUSIONS

GARAGE DOOR

The proposed alterations to the garage opening is not considered to be development in line with Section 55 of the Town & Country Planning Act.

The garage door is to be widened by 350mm, and of a similar finish, as confirmed in the applicants email. Therefore, the door alteration is not considered to be development as defined in Section 55, Part 2(a)(ii) of the Town and Country Planning Act 1990, in that it does not materially affect the external appearance of the building.

DRIVEWAY ALTERATIONS

Development consisting of:

(a) the provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse as such; or

(b) the replacement in whole or in part of such a surface.

Development not permitted

F.1 Development is not permitted by Class F if 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).

Conditions

F.2 Development is permitted by Class F subject to the condition that where:

(a) the hard surface would be situated on land between a wall forming the principal elevation of the dwellinghouse and a highway, and

(b) the area of ground covered by the hard surface, or the area of hard surface replaced, would exceed 5 square metres, either the hard surface is made of porous materials, or provision is made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse.

The proposed base would be meet the above requirements and is considered to be permitted development.

The proposed driveway alterations comply with section F.1, (a) and (b). Therefore, is considered to be "Permitted Development", and as such does not require the submission of an application for full planning permission.

VEHICULAR CROSSOVER

There is no record of permitted development rights for access to dwellings having been removed or restricted by planning condition.

In this instance the proposed works are to be assessed against the criteria contained within The Town and Country Planning (General Permitted Development) 2015, Part 2, Class B.

The site is not on Article 2(3) land.

Schedule 2, Part 2, Class B states:

Permitted development

B. The formation, laying out and construction of a means of access to a highway which is not a trunk road or a classified road, where that access is required in connection with development permitted by any Class in this Schedule (other than by Class A of this Part).

It is evident that the access will be formed in conjunction with development permitted by a Class in the Schedule Classes, namely Part 1, Class F 'hard surfaces incidental to the enjoyment of a dwellinghouse'.

The road is unclassified (D).

SUMMARY

The proposed alterations are considered to be permitted development, and as such, do not require an application for planning permission.

RECOMMENDATION

PP NOT REQUIRED

The Arun District Council hereby certify that on 01/08/2018 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, would have been lawful within the meaning of section 192 of the Town & Country Planning Act 1990 for the following reasons:

- The proposed garage alteration is not considered to be development in line with Section 55 of the Town & Country Planning Act.
- The proposed hard standing is deemed to accord with Schedule 2, Part 1, Class F of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).
- The proposed vehicular crossover benefits from permitted development rights under Schedule 2, Part 2, Class B of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

FIRST SCHEDULE

Alterations to existing driveway, alterations to existing garage and enlargement of dropped kerb. These alterations are shown on the approved drawing:

- Site Plan - Jervis Avenue
- Email from applicant - 01 October 2018 - 15:17 (confirming the drainage of the hardstanding)

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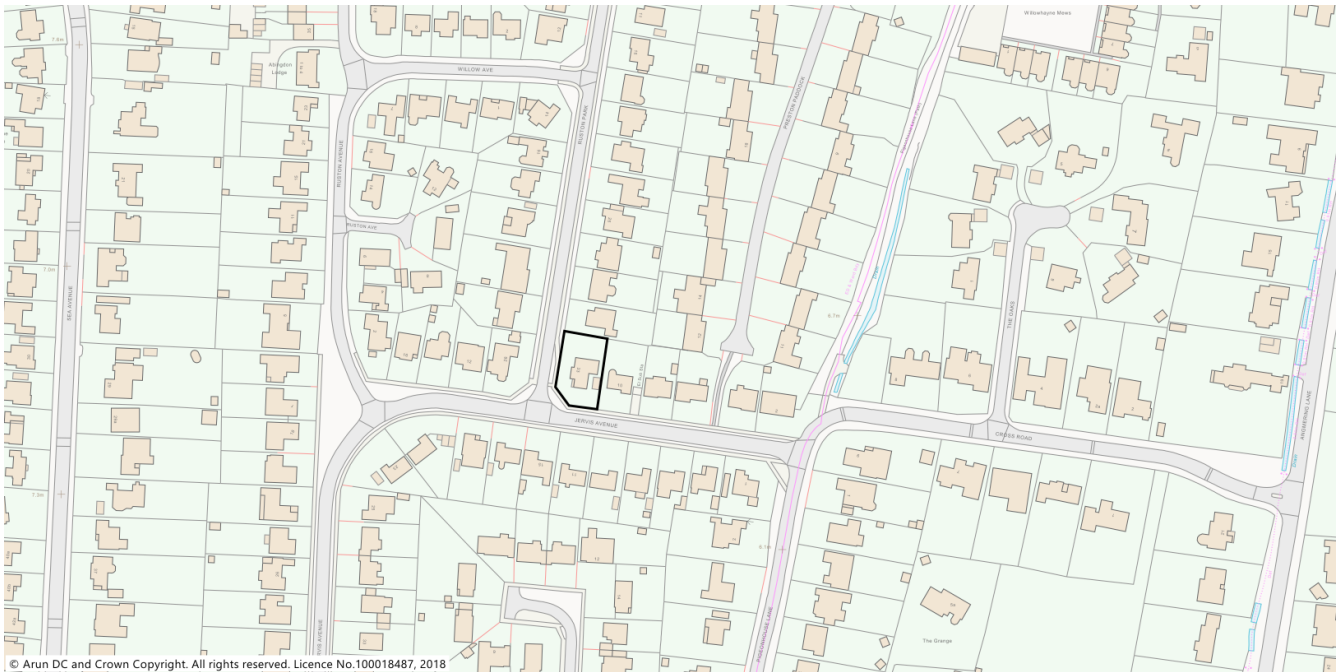
- Email from applicant - 02 October 2018 - 15:49 (confirming similar finish of proposed door)

SECOND SCHEDULE

33 Ruston Park, Rustington, West Sussex, BN16 2AD

EXTENT OF USE

Alterations to existing driveway, alterations to existing garage and enlargement of dropped kerb.



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