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

REF NO: **WA/31/17/CLP**

LOCATION: The Coppice
West Walberton Lane
Walberton

PROPOSAL: Lawful development certificate for internal alterations , new window & door to kitchen to match adjacent window & door to dining room

DESCRIPTION OF APPLICATION

It is proposed to make a number of internal alterations and to replace external windows in the rear elevation with double doors.

DESCRIPTION OF SITE AND SURROUNDINGS

A detached property on a large plot

RELEVANT SITE HISTORY

WA/42/81	Removal of condition 3 under WA/23/80 and formation of independent access	ApproveConditionally 17-06-1981
WA/93/82	New house and detached garage	ApproveConditionally 09-02-1983

No permitted development rights have been removed from the property in the original planning permission.

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) (Amendment) (No. 2) (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.

CONCLUSIONS

The property is not located in a Conservation Area and is not a listed building.

The alteration of a door and a window in the rear elevation will be considered against the criteria contained under Schedule 2, Part 1, Class A of The Town and Country Planning (General Permitted Development) Order 2015 which states;

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

(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M.N,P or Q of Part 3 of this schedule (changes of use):

(b) as a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse):

(c) the height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;

(d) the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;

(e) the enlarged part of the dwellinghouse would extend beyond a wall which
(i) fronts a highway, and
(ii) forms either the principle elevation or a side elevation of the original dwellinghouse;

(f) subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and
(i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or
(ii) exceed 4 metres in height;

(g) until 30th May 2019, for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and
(i) extend beyond the rear wall of the dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or
(ii) exceed 4 metres in height;

(h) the enlarged part of the dwellinghouse would have more than a single storey and
(i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or
(ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse;

(i) the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres.

(j) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would
(i) exceed 4 metres in height;
(ii) have more than one storey, or
(iii) have a width greater than half the width of the original dwellinghouse; or

(k) it would consist of or include
(i) the construction or provision of a verandah, balcony or raised platform,
(ii) the installation, alteration or replacement of a microwave antenna,
(iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or
iv) an alteration to any part of the roof of the dwellinghouse

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 1.7 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 proposed internal alterations and the external replacement of ground floor rear windows with double doors on the rear elevation of the property would be alterations. Therefore, this aspect of the proposal is deemed to be in accordance with sections (a), (b), (c), (d), (f)(i) & (ii), (h), (i) and A.3(a).

The proposed alterations are considered to comply with part A.2 in relation to development in Conservation Areas and part A.3(a) in that the materials of development are similar in appearance

to the existing retaining the semi circular fenestration headers and the use of timber framed windows and doors.

The internal alterations and the external replacement of ground floor rear windows with double doors on the rear elevation of the property are considered to be alterations and as such are in accordance with the limitations imposed under Schedule 2, Part 1, Class A.

RECOMMENDATION

PP NOT REQUIRED

The Arun District Council hereby certify that on 26-04-2017 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 internal alterations and external alteration replacing a set of windows with a double door in the rear elevation is in accordance with the limitations of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 2015.

FIRST SCHEDULE
The proposed alterations replacing a door with a window and a window with a door as detailed on the submitted drawings;

Dwg.no. C0078-P111 - Proposed Ground Floor Plan received on 26-04-2017
Dwg.no. C0078 P212 - Proposed North Elevation received on 26-04-2017

SECOND SCHEDULE
The Coppice West Walberton Lane, Walberton BN18 0QS

EXTENT OF USE
The replacement of a) a door with a window and a window with a door in the rear elevation



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