

CERTIFICATE OF LAWFUL PROPOSED DEVELOPMENT REPORT**REF NO:** Y/12/11/CLP**LOCATION:** The Retreat
Hoe Lane
Flansham**PROPOSAL:** Application for a Lawful Development Certificate for a proposed development to replace delapidated steel sheet roof of outbuilding with new rafters & PVC plastisol coated steel sheet roof, without change to associated hardstanding**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above
SITE AREA	Approximately 0.448 hectare.
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Flint wall and hedging surrounds the site.
SITE CHARACTERISTICS	Detached two storey property which is a Building of Special Character. The property has white smooth rendered walls, red tiled roof with white window frames. The outbuilding the subject of this application is to the rear of the property in the north east corner.
CHARACTER OF LOCALITY	Semi-rural location with predominantly detached properties of various styles and designs, some of notable character.

RELEVANT SITE HISTORY

Y/86/97	2 storey extension, alterations and associated works to existing dwelling	Approve Cond 06-02-1998
Y/65/01/	Single storey recreation room.	Approve Cond 15-02-2002
Y/72/68	Outline 4 houses and garages with access road	Refused 30-10-1968
Y/50/71	Change of use from farm buildings to residential	Refused 08-12-1971
Y/13/72	Change of use from farm building to residential	Approve Cond 17-05-1972

Y/71/78	Alterations and extensions to provide study utility room and kitchen ground floor and 2 bedroom and 2 bathroom	Approve Cond 29-11-1978
Y/52/79	Outline for one residential bungalow	Refused 29-08-1979

REPRESENTATIONS

Representations received:

None

Comments on Representations received:

None

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

None

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.

S55 (2) (a) TCPA 1990 states that works which affect only the interior of a building...do not materially affect the external appearance... do...not involve development

It appears to me from the evidence described above that these proposals fit within this category. Accordingly they are not development. Accordingly they do not need planning permission.

I have not seen any evidence which suggest that PD Rights are an issue or need consideration. They only refer to development which I have concluded that this is not.

I refer to the cases at EPL Vol 5 para 3B 2068.13 and 1987 JPL 144 and Uttlesford DC v SoSE 1992 JPL 171 to establish that internal works of this nature are not development being part and parcel of the domestic accommodation.

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 application seeks a Certificate of Lawfulness for alterations and the replacement of the galvanised steel mono pitched roof on the existing brick and flint outbuilding with a powder coated steel roof in reproduction tile form which will increase the depth and height of the outbuilding.

The existing outbuilding is sited approximately 3m from the eastern side boundary. It has a width of 16.5m which remains the same, depth is increased from 5.465 to 7.665 with a maximum height

of 3.980m.

The proposed increase in depth and height of the existing outbuilding is considered to fall under Class E Part E.1 of the Town and Country (General Permitted Development) (Amendment) (No 2) (England) Order 2008 in that it relates to 'The provision within the curtilage of the dwellinghouse of any building or enclosure. The outbuilding is incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure.

Class E.1 (a) 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).

Class E.1 (d) of the General Permitted Development Order states that development is not permitted if 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,
- (ii) 3 metres in any other case.

The existing outbuilding does not exceed 50% of the total area of the curtilage, it is sited more than 2 metres from the boundary of the curtilage and less than 4 metres in height.

It is considered that the proposed alterations comply with the above section of the General Permitted Development Order.

The proposal is therefore deemed to be permitted development and does not require planning permission.

RECOMMENDATION

PLANNING PERMISSION NOT REQUIRED

- 1 The Arun District Council hereby certify that on the 7th April 2011 the use hereby described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and hatched boldly on the plan attached to this certificate was lawful within the meaning of section 192 of the Town and Country Planning Act 1990 (as amended), for the following reason:

Under the GDO Schedule 2 Part 1 Class E the proposed alterations to the outbuilding is "Permitted Development".

- 2 The proposed development is for alterations to the existing outbuilding to increase the depth and height by the installation of a new roof supported on oak posts.
- 3 The proposed outbuilding as altered will measure 16.5m in width, 7.665m in depth with a maximum height of 3.980m.
- 4 The Retreat, Hoe Lane, Flansham, Yapton, West Sussex, PO22 8NT.