

CERTIFICATE OF EXISTING LAWFUL DEVELOPMENT REPORT

REF NO: Y/4/12/CLE

LOCATION: Saltram
Bilsham Road
Yapton

PROPOSAL: Application for Lawful Development Certificate for an existing use of integral garage conversion to provide sleeping & bathing for disabled family member

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Application for certificate of lawfulness for the conversion of an integral garage to provide sleeping and bathing facilities for a disabled family member.
SITE AREA	
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The front (eastern) boundary of the site is open to the road. The northern boundary consists of a thick hedge circa 1.8 metres high separating the dwelling from the property next door. The southern boundary is also marked by thick evergreen hedging.
SITE CHARACTERISTICS	The site contains a two storey demi-detached dwelling with rendered elevations and a tiled hipped roof.
CHARACTER OF LOCALITY	The site is located on a residential road of predominantly two storey dwellings of various style.

RELEVANT SITE HISTORY

REPRESENTATIONS

Representations received:

Comments on Representations received:

CONSULTATIONS

Consultations responses received:

Comments on Consultation responses:

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.

OTHER MATERIAL CONSIDERATIONS

CONCLUSIONS

The proposal would involve alterations to the external appearance of the existing building, by way of removal of the existing garage door and installation of new fenestrations, and the conversion of the building to provide living accommodation for a disabled relative.

Circular 03/2005 para. 19 informs that planning permission will only be required for a 'granny annex' or 'lodge' at an existing dwelling if it is to be used as a separate dwelling house. In this instance the building is to be used by a disabled relative and live-in carer and this would be ancillary to the use of the existing dwelling and, as such, would be a permitted change of use. The individual concerned is currently living at the property is confirmed as per the applicants email to the Council Officer on March 6th 2012.

In light of the above, it is considered that the proposed works would constitute permitted development and would therefore not require planning permission.

RECOMMENDATION

APPROVE

- 1 The Arun District Council hereby certify that on the 16th February 2012 the use hereby described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged boldly on the plan attached to this certificate was lawful within the meaning of section 191 of the Town and Country Planning Act 1990 (as amended), for the following reason:

The proposed conversion of the garage to ancillary accommodation is permitted under the Town and Country Planning (Use Classes) Order 1987 (as amended)

- 2 Conversion of a garage to provide sleeping accommodation and ensuite bathroom, with alterations to the front elevation of the property to replace the garage doors with fenestration.
The said building is to be used by a disabled relative and live-in carer and this would be ancillary to the use of the host dwelling. The individual concerned is currently living at the property is confirmed as per the applicants email to the Council Officer on March 6th 2012.

- 3 The proposal is for conversion of an existing garage measuring 3.5m x 4.5m
- 4 Saltram, Bilsham Road, Yapton, BN18 0JB