Development Management - Delegated Officer Report

Application Number: AWDM/1075/21 Recommendation – Issue Certificate

Site: 1A Glebe Close, Southwick

Proposal: Application for a Lawful Development Certificate for an Existing use of an integral garage as a bedroom and shower room.

Date of site visit: No visit use of information provided by the agent and Google Maps

Neighbours checked: Y

Additional neighbour notifications: N

Proposal, Site and Surroundings

The application site is a detached chalet bungalow on the corner of Glebe Close and Southwick Street. The side of the building has a flat roof single storey design with a roof terrace and the ground floor has a window and a garage door on the front elevation. An application for a Lawful Development Certificate has been submitted for the existing use of the original garage as a bedroom and shower room. The front garage door remains and the internal space was converted prior to 2005 as the existing owners purchased the property at this time with the existing arrangements in place. There is a side window serving the bedroom which was also in place at the time of purchase.

The property history states that the bungalow was built in 1966 and the garage was converted to a study in 1972.

The planning merits of these retrospective works are not for consideration here, only if the works carried out prior to 2005 are at this time lawful.

The building is not Listed or within a Conservation Area.

Representations

None received

Assessment

The applicant's agent has provided the following information in support of the application.

"Section 55 of the Town and Country Planning Act 1990 states that "*"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.*" In this case, the use of a garage as living accommodation would not have involved any building works and would not result in a material change of use as

it remained in use as part of the primary use of the planning unit as a single dwellinghouse. Furthermore, Section 55(2)(a) also confirms that the carrying out of works for the maintenance, improvement or other alteration of any building that affect only the interior of the building or does not materially affect the external appearance of the building is also not development."

In the case of a dwellinghouse, where there are no restrictive conditions limiting such a change and where the dwellinghouse has not undergone a change of use prior to its lawful residential use, a conversion of the garage for the use as living accommodation would not require planning permission. The works would be permitted development. This is the case where there are no extensions to the building.

It should also be noted that due to the works being carried out at least 16 years ago that the works are lawful and therefore exempt from any enforcement action.

The Lawful Development Certificate can therefore be issued for the existing works and planning permission is/was not required in this case.

Reasons for Recommendation

Section 55 of the Town and Country Planning Act 1990 states that "*"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.*" In this case, the use of a garage as living accommodation would not have involved any building works and would not result in a material change of use as it remained in use as part of the primary use of the planning unit as a single dwellinghouse.

Recommendation

Issue a Certificate of Lawfulness for the existing use of the integral garage as a bedroom and shower room. The submission of a retrospective planning application will not be required.

Is recommendation contrary to letter(s) of representation? N

Case Officer: Hannah Barker Date: 5th July 2021

Authorised by: Peter Barnett Date: 5 July 2021