

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

REF NO: AB/25/21/CLP

LOCATION: 48 Torton Hill Road
Arundel
BN18 9HH

PROPOSAL: Lawful development certificate for a proposed loft conversion with rear hip-to-gable enlargement of 20.5 cub.m, with side-facing rooflights with a cill height of 1.7m from internal finished floor level, and rear-facing Juliet balcony.

DESCRIPTION OF APPLICATION

The application seeks to construct a loft conversion including a hip to gable enlargement, a juliet balcony and side facing lights.

RELEVANT SITE HISTORY

REPRESENTATIONS

Representations Received:

CONSULTATIONS

Consultations Responses Received:

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 B, which pertains to the enlargement of a dwellinghouse consisting of an addition or alteration to its roof.

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.

CONCLUSION

CLASS B

B.1 Development not permitted

Development is not permitted by Class B if

(a) 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);

(b) any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;

The highest part of the roof is not exceeded.

(c) any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway;

This is not breached.

(d) the cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than

(i) 40 cubic metres in the case of a terrace house, or

(ii) 50 cubic metres in any other case;

The cubic content proposed is 20.5 cubic metres.

(e) it would consist of or include

(i) the construction or provision of a verandah, balcony or raised platform, or

(ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe; or

This part is not breached. The Juliet balcony does not have any part which is outside and is therefore considered permitted development.

(f) the dwellinghouse is on article 2(3) land.

It is not on article 2(3) land.

Conditions

B.2 Development is permitted by Class B subject to the following conditions-

(a) the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;

Cedar cladding or similar is used on the existing external surfaces

(b) the enlargement must be constructed so that-

(i) other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension-

(aa) the eaves of the original roof are maintained or reinstated; and

(bb) the edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less

than 0.2 metres from the eaves, measured along the roof slope from the outside edge of the eaves; and
(ii) other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse; and
This is concurred with.

(c) any window inserted on 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 metres above the floor of the room in which the window is installed.

This is concurred with.

Interpretation of Class B

B.3 For the purposes of Class B, "resulting roof space" means the roof space as enlarged, taking into account any enlargement to the original roof space, whether permitted by this Class or not.

B.4 For the purposes of paragraph B.2(b)(ii), roof tiles, guttering, fascias, barge boards and other minor roof details overhanging the external wall of the original dwellinghouse are not to be considered part of the enlargement.

SUMMARY

The property known as 48 Torton Hill Road is a detached dwelling and is not Listed, nor within a Conservation Area. Examination of the site history has revealed no restrictions on Permitted Development.

RECOMMENDATION

APPROVE

The Arun District Council hereby certify that on 26/02/2021 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 because the proposal complies within the restrictions of Class B of the Schedule 2, Part 1 of the General Permitted Development Order.

FIRST SCHEDULE

**Loft conversion by way of the construction of a hip to gable dormer. The approved plans are as follows;
Existing and proposed roof plans dwg.no. 1.04 dated 05.03.21
Proposed Elevations dwg.no. AR-106-04 dated May 2016
Proposed Rear Elevation and first floor plan dwg.no. AR-106-02 dated May 2016
Proposed Second Floor Plan dwg.no. AR-106-03 dated May 2016**

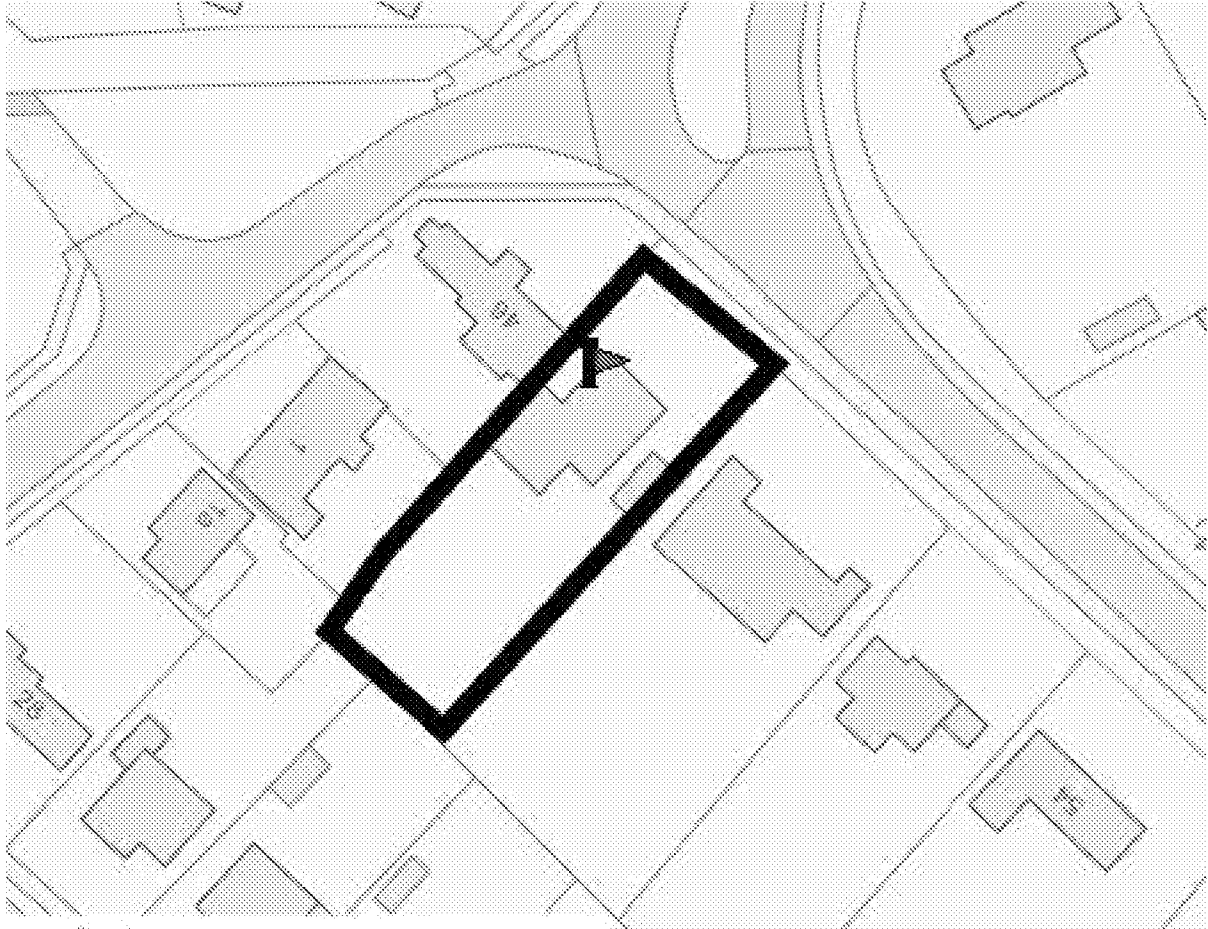
SECOND SCHEDULE

48 Torton Hill Road, Arundel, BN18 9HH

EXTENT OF USE

Loft conversion by way of the construction of a hip to gable dormer.

AB/25/21/CLP - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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