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

REF NO: **AB/35/16/CLP**

LOCATION: 36 Maltravers Street
Arundel

PROPOSAL: Lawful development certificate for the proposed installation of a conservation roof light to the rear elevation.

DESCRIPTION OF APPLICATION

As above.

DESCRIPTION OF SITE AND SURROUNDINGS

RELEVANT SITE HISTORY

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 2 criteria contained within The Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 1;

- Class C, which pertains to any alteration to the roof of 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 proposed roof lights would need to be in accordance with the Town and Country (General Permitted Development) Order 2015 (as amended), Schedule 2, Part 1, Class C which prescribes the degree of works that can be undertaken in relation to other alterations to the roof of a dwellinghouse without the need to apply for Planning Permission. The development the subject of this application will therefore be assessed against the criteria contained within this part of the order.

Class C, C.1 (a) is not applicable as the dwelling house has not been the subject of a change of use under Class M, N, P or Q of Part 3 of the Town and Country (General Permitted Development) Order 2015 (as amended).

Class C, C.1 (b) states that the alteration cannot protrude more than 0.15 metres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof. The proposed roof lights are shown to protrude 0.1m from the existing roof slope.

Class C, C.1 (c) is not applicable as the highest part of the alteration will not be higher than the highest part of the original roof.

Class C, C.1 (d) is not applicable as the proposed alteration does not consist of the installation, alteration or replacement of a chimney, flue or soil pipe or the installation of solar photovoltaic or solar thermal equipment.

Conditions

C.2 is not applicable as the proposed windows will not be located on a roof slope forming a side elevation of the dwellinghouse.

Therefore, it is considered that the proposed alterations to the roof of the original dwellinghouse are in accordance with the limitations of Schedule 2, Part 1, Class C of the Town and Country Planning (General Permitted Development) Order 2015 and as such constitute permitted development.

RECOMMENDATION

PP NOT REQUIRED

The Arun District Council hereby certify that on 15th April 2016 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 reason:

·The proposed roof lights is deemed to accord with Schedule 2, Part 1, Class C of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

FIRST SCHEDULE

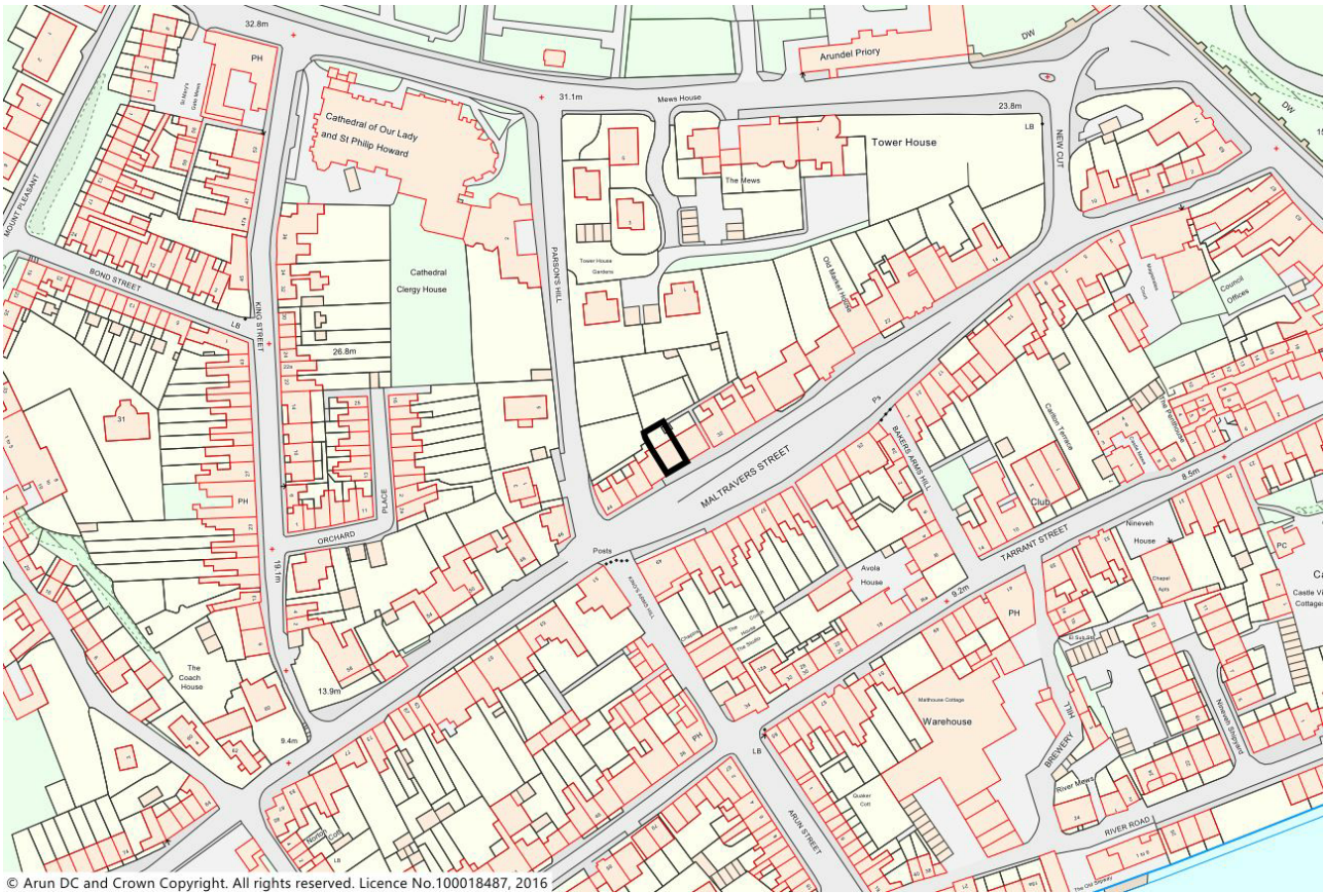
AB/35/16/CLP

The installation of 1 No. conservation standard roof light on the rear elevation of the dwelling in accordance with Schedule 2, Part 1, Class C of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) as shown on:

·Drawing No. 36MALT 002 Existing & Proposed Elevations & Photographic Documentation.

SECOND SCHEDULE
36 Maltravers Street, Arundel, West Sussex, BN18 9BU

EXTENT OF USE
The installation of 1 No. conservation roof light on the rear elevation of the dwelling.



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