

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

**REF NO:** AW/350/17/CLP

**LOCATION:** 36 Gossamer Lane  
Aldwick

**PROPOSAL:** Lawful development certificate for the proposed removal of existing PVCu roof, raise part of existing walling & glaze between, new tiled pitched roof with lantern light on rear conservatory.

**DESCRIPTION OF APPLICATION**

Replacement and minor enlargement of conservatory extension roof including replacement of the fully glazed roof with a tiled roof with the exception of a 1.5 metre by 2.8 metre roof lantern at the apex of the new tiled roof.

Replacement of glazed windows and glazed door to the rear elevation with glazed bi fold doors and installation of rendered walls above existing dwarf wall to eaves at the sides of the bi fold doors.

Replacement of side windows on both side elevations and installation of rendered walls above existing dwarf wall to eaves at the sides between reduced sized windows.

The applicants have advised that they will be retaining the existing dwarf walls only altering rather than re-building the conservatory elevations.

**DESCRIPTION OF SITE AND SURROUNDINGS**

Detached bungalow with rooms in the roof including a roof dormer extension.. It also has a large rear conservatory extension. The property has a 30 metre garden to the rear and driveway to front with garden. The area is formed of semi-detached and detached bungalows set back from the road.

**RELEVANT SITE HISTORY**

|            |                                                                                                             |                                    |
|------------|-------------------------------------------------------------------------------------------------------------|------------------------------------|
| AW/70/00/  | Demolition of single storey building containing a bedroom and addition to provide two bedrooms and bathroom | ApproveConditionally<br>08-05-2000 |
| AW/218/05/ | Conservatory.                                                                                               | ApproveConditionally<br>20-10-2005 |

AW/218/05/ - Conservatory - Approved and constructed.

AW/70/00/ - Demolition of single storey building containing a bedroom and addition to provide two bedrooms and bathroom - Approved - includes roof dormer extension.

**REPRESENTATIONS**

**Representations received:**

None received.

**Comments on Representations received:**

N/A.

**CONSULTATIONS**

**Consultations responses received:**

None received.

**Comments on Consultation responses:**

N/A.

**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) (England) Order 2015 (as amended). The relevant classes are;

- Class A, which pertains to the enlargement, improvement, or other alterations to a dwellinghouse.
- Class B - which pertains additions etc to the roof of a dwelling house

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 alterations to the elevations of the existing conservatory walls and the minor extension of the conservatory roof need to be assessed under Class A and Class B of Part 1 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) respectively.

**Class A**

The proposal is to make alterations to the upper portion of the side walls of the existing conservatory removing and replacing windows and glazed doors and replacing some windows with rendered walls to the sides of the new fenestration above the existing dwarf walls. For the alterations to the rear and side elevation walls to be considered as permitted development it must comply with Part 1, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

In this case as there would be no increase to the footprint and only alterations to the walls, Criteria A.1 (a) and Conditions A.3 (a) are relevant.

Class A.1 (a) cannot be applied in this instance as the dwellinghouse 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.

Class A.3 (a) specifies that the materials used in any exterior work shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse. The proposed materials are similar windows to the existing conservatory, bi fold doors which would be an expanse of glazing similar to the existing conservatory and rendered walls to match the existing rendered walls of the main dwellinghouse. It is accepted that the materials used in construction would be similar in appearance to the existing dwelling.

#### **Class B**

The Town and Country (General Permitted Development) Order 2015 (as amended) under Schedule 2, Part 1, Class B prescribes the degree of works in relation to the enlargement of a dwellinghouse and of an addition or alteration to its roof, respectively, that can be undertaken 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 B, B.1 (a) cannot be applied in this instance as the dwellinghouse 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.

Class B, B.1 (b) states that no part of the dwellinghouse, would as a result of the works, exceed the height of the highest part of the existing roof. The proposal would not exceed the highest part of the existing roof.

Class B, B.1 (c) the conservatory roof subject of this application does not extend beyond the plane of any existing roof slope which forms the principle elevation of the dwellinghouse and front a highway. The footpath to the front of the house is not considered to be a highway for the purposes of this class as there is no public right to pass and re-pass over the path.

Class B, B.1 (d) (ii) the proposed conservatory roof enlargement would have an additional cubic volume of less than 5 metres cubed compared with the existing conservatory roof. An existing dormer roof extension has a cubic content of approximately 9 metres cubed. Therefore, the alterations to the roof would cumulatively not exceed the cubic content of the original roof space by more than 50 cubic metres.

Class B, B.1 (e) (i) and (ii) are not applicable in the determination of this application as it will not include the provision of a veranda, balcony, raised platform or the alteration or installation of a chimney, flue, soil or vent pipe.

Class B, B.2, (a) specifies that the materials used in any exterior work shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse. The proposed materials are tiles to match existing and a glazed lantern which would match the existing glazed conservatory roof. It is accepted that the materials used in construction would be similar in appearance to the existing dwelling.

Class B, B.2, (b) (i) (ii) the design of the conservatory extension roof is deemed to be in accordance with the limitations imposed under this section of Class B.

Class B, B.2, (c) (i) (ii) specifies that any windows inserted into a roof slope forming a side elevation of the dwelling house shall be obscurely glazed and non-opening below 1.7 metres from floor level of the room in which the window is installed. No side windows are proposed.

Therefore, it is considered that the proposed alterations and roof extension subject of the lawful development certificate would benefit from permitted development rights under Schedule 2, Part 1, Classes A and B of The Town and Country (General Permitted Development) Order 2015.

#### **RECOMMENDATION**

##### **PP NOT REQUIRED**

The Arun District Council hereby certify that on 27th November 2017 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 reasons of compliance with the relevant criteria within Schedule 2, Part 1, Classes A and B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

##### **FIRST SCHEDULE**

**Alteration of side elevation and enlargement of rear conservatory roof using materials similar to existing house and conservatory as detailed on submitted drawings:-**

**Dwg.no. 7617:1 - Proposed Alterations dated Oct 17**

##### **SECOND SCHEDULE**

**36 Gossamer Lane, Bognor Regis, West Sussex, PO21 3BY**

##### **EXTENT OF USE**

**Alteration of the side elevations and enlargement of rear conservatory roof using materials similar to existing house and conservatory.**

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