

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

REF NO: A/53/18/CLP

LOCATION: 11 East Drive
Ham Manor
Angmering

PROPOSAL: Application for a Lawful Development Certificate for a Proposed development of roof alteration from hip to gable

DESCRIPTION OF APPLICATION

Construction of a hip to gable roof alteration along with 2 additional windows into the side of the aforementioned hip to gable enlargement in order to allow the provision of an additional residential en-suite bathroom.

DESCRIPTION OF SITE AND SURROUNDINGS

Sited within a private residential estate, characterised by large detached dwellings with soft landscaped open frontages.

Detached 2 storey dwelling, featuring red roof tiles, a number of dormer windows and some dark stained weatherboarding.

RELEVANT SITE HISTORY

A/87/88	Details in pursuance of A/62/49 for erection of 38 no. dwellings together with garages and associated works (6 no. bungalows, 11 no. chalet style houses & 21 no. houses).	ApproveConditionally 10-08-1988
A/86/89	Amended house types and revised layout. Residential development of 20 No. houses (previous planning permission A/87/88)	ApproveConditionally 30-08-1989
A/10/91	Substitution of house types Plots 19, 20 & 22 (Revisions to previous planning permissions A/87/88 & A/86/89)	ApproveConditionally 18-03-1991
A/9/02/	Conservatory	ApproveConditionally 15-03-2002
A/62/49	Layout (part)	Approve 05-12-1949

A/87/88 - Appears to be the application for the development of East and West Drives which included 11 East Drive the subject of the CLP

A/53/18/CLP

There appears to be no conditions which would remove Permitted Development rights for Schedule 2, Part 1 Class B (enlargement of a dwellinghouse consisting of an addition or alteration to its roof)

Condition 7 of previously granted application ref: A/87/88 appears to be the only condition which removes Permitted Development Rights however only for fences, wall or other means of enclosure.

REPRESENTATIONS

Representations received:

Angmering Parish Council - Do not object

Comments on Representations received:

Comments Noted.

CONSULTATIONS

Consultations responses received:

N/A

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) (Amendment) (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.

CONCLUSIONS

PROPOSED HIP TOP GABLE ENLARGEMENT

Schedule 2, Part 1, Class B;

B.1 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 or Q of Part 3 of this Schedule (changes of use);

- No, permission was granted for the application dwelling under application ref: A/87/88

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

- No, the proposed gable would not exceed the height of the highest part of the existing roof.

(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;

No, proposed gable end would be to the side, eastern, roofslope of the dwelling.

(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;

- No, Officers calculate that the proposed hip to gable alteration would have an approximate cubic volume of 13.545 metres cubed. (due to the shape of the proposal its likely that the Officer's figures are higher than actual figures)

(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

- No

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

- No

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;

(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

(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

PROPOSED ADDITIONAL WINDOWS INTO THE SIDE OF THE PROPOSED HIP TO GABLE ENLARGEMENT

Schedule 2, Part 1, Class A;

A.1 Development is not permitted by Class A if:

(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M,N,P or Q of Part 3 of this schedule (changes of use):

- No, permission was granted for the application dwelling under application ref: A/87/88

(b) as a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse):

- No, proposed additional windows.

(c) the height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;

- No, proposed additional windows.

(d) the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;

- No, proposed additional windows.

(e) the enlarged part of the dwellinghouse would extend beyond a wall which

(i) fronts a highway, and

(ii) forms either the principle elevation or a side elevation of the original dwellinghouse;

- No, proposed additional windows.

(f) subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and

(i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or

(ii) exceed 4 metres in height;

No, proposed additional windows.

(g) until 30th May 2019, for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and

- (i) extend beyond the rear wall of the dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or
- (ii) exceed 4 metres in height;

N/A - proposed additional windows.

- (h) the enlarged part of the dwellinghouse would have more than a single storey and
- (i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or
- (ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse;

N/A - No, proposed additional windows.

- (i) the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres.

N/A - No, proposed additional windows.

- (j) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would
- (i) exceed 4 metres in height;
- (ii) have more than one storey, or
- (iii) have a width greater than half the width of the original dwellinghouse; or

N/A - No, proposed additional windows.

- (k) it would consist of or include
- (i) the construction or provision of a verandah, balcony or raised platform,
- (ii) the installation, alteration or replacement of a microwave antenna,
- (iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or
- iv) an alteration to any part of the roof of the dwellinghouse

A.2 In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if

- (a) it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;
- (b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or
- (c) the enlarged part of the dwellinghouse would have more than one storey and extend beyond the rear wall of the original dwellinghouse.

- No, proposed additional windows and the dwellinghouse the subject of this application is not on article 2(3) land

A.3 Development is permitted by Class A subject to the following conditions

- (a) the materials used in any exterior work (other than the materials used in the construction of a conservatory) shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;
- (b) any upper floor window located in 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 1.7M above the floor of the room in which the window is installed; and
- (c) where the enlarged part of the dwellinghouse has more than one storey, the roof pitch of the enlarged part shall, so far as practicable, be the same as the roof pitch of the original dwellinghouse.

- The proposed windows would be in the eastern side elevation of the dwellinghouse and would be be

- (i) obscure glazed, and
- (ii) non-opening

SUMMARY:

The proposed works are therefore considered to accord with the limitations of Schedule 2, Part 1, Class A and B of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) and are considered to be 'permitted development', as such this proposal does not require an application for planning permission.

RECOMMENDATION

PP NOT REQUIRED

The Arun District Council hereby certify that on 17/07/2018 . 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:

The proposed rear the proposed hip to gable extension by virtue of its size and location and materials would be in accordance with Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

The proposed windows, into the proposed hip to gable extension, by virtue of them being obscured glazed and non-opening would be in accordance with Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

FIRST SCHEDULE

Construction of a hip to gable roof alteration along with 2 additional windows into the side of the aforementioned hip to gable enlargement in order to allow the provision of an

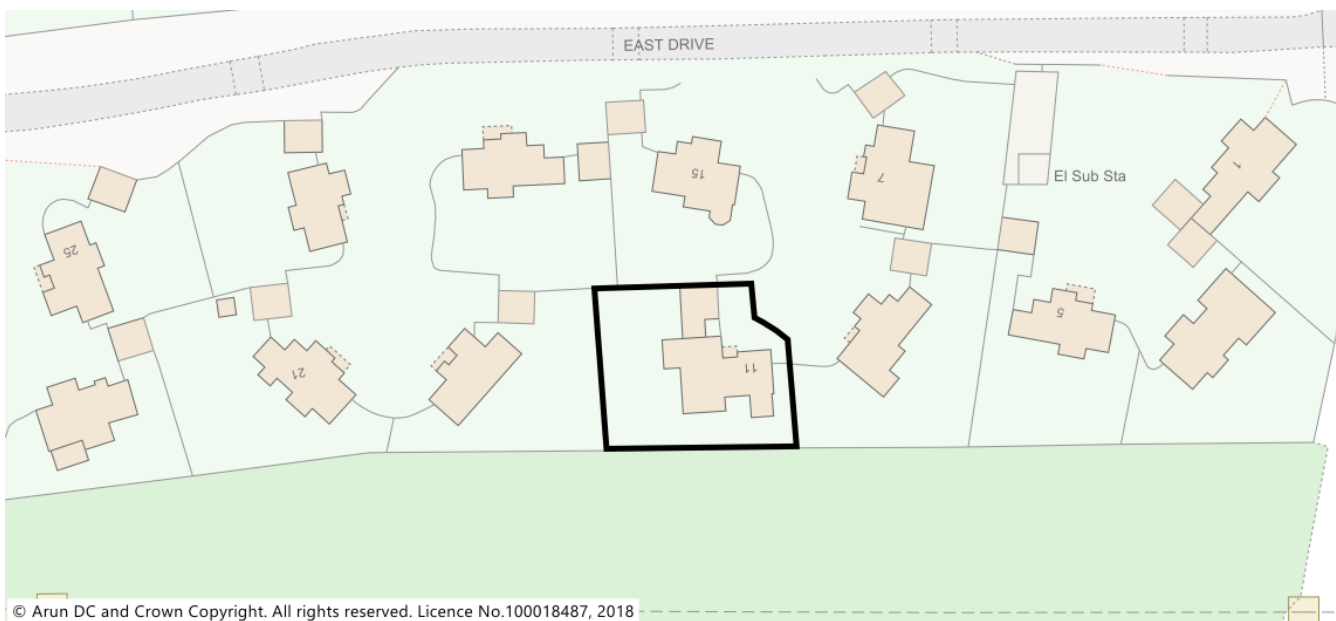
additional residential en-suite bathroom as shown on the submitted drawings:

18/4530/1 and 18/4530/2

SECOND SCHEDULE

11 East Drive, Ham Manor, Angmering, Littlehampton, BN16 4JH

Proposed residential alterations to an existing residential dwelling.



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