

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

REF NO: A/5/14/CLP

LOCATION: Cocoa Cottage
6 Arundel Road
Angmering

PROPOSAL: Application for Certificate of Lawfulness for a proposed loft conversion

DESCRIPTION OF APPLICATION

The application involves the formation of a flat roof dormer within the rear roof slope which would measure approximately 4.9 metres in width by 2.45 metres at its greatest depth and 2.25 metres in height. In addition, a total of three roof lights would be installed within the front slope of the existing roof.

DESCRIPTION OF SITE AND SURROUNDINGS

The site is occupied by a terraced two-storey dwelling which is located on a road bordered by mixed residential development.

RELEVANT SITE HISTORY

A/36/07/	Proposed single storey rear extension and internal alterations.	ApproveConditionally 03-05-2007
----------	---	------------------------------------

REPRESENTATIONS

Representations received:

None.

Comments on Representations received:

None.

CONSULTATIONS

Consultations responses received:

None.

Comments on Consultation responses:

None.

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 proposal will be assessed against criteria contained within The Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 Part 1, Class B which sets out the scale of works that can be carried out in relation to roof extensions without needing to obtain planning permission as well as Class C of that same order, which relates to other roof alterations, including provision of roof lights.

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 extent of works to increase the volume of the roof of a dwelling without needing to apply for planning permission is governed by criteria set out in The Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 (as amended) Article 3, Part 1, Class B. Consequently, the proposal will be assessed against criteria within this part of the order to ascertain whether planning permission is required or not.

Criterion B.1 (a) states that a roof extension should not exceed the height of the existing roof. The top of the proposed flat roof dormer is set below the ridge line of the existing roof and, as such, this criterion is satisfied.

(b) informs that, for a roof extension to be deemed permitted development, it must not extend beyond the plane of any roof slope fronting a highway. The proposed dormer is to be installed within the rear roof slope and, therefore, this requirement is complied with.

(c) dictates that the maximum increase in volume (from that of the roof space in the original dwellinghouse) for a terraced dwelling (of which 6 Arundel Road is an example) is 40 cubic metres. This is a cumulative value which takes any existing roof extensions into account. No other extensions have been made to the original roof and, therefore, the maximum increase of 40 cubic metres is available. Measurements taken from accompanying section plans confirm that the amount of extra volume created by the proposal would be within that allowed under permitted development rights.

Other criterion within section B of the order are not applicable to this specific scheme.

With regards to the proposed roof lights to be installed within the front roof slope, Class C (a) allows for roof alterations, such as roof lights and sun pipes, to be installed provided they do not project more than 150mm from the plane of the roof slope. Accompanying sections show the roof lights to be flush with the plane of the roof slope, thereby satisfying this requirement.

Other criterion contained within Class C are of no relevance to this application.

It has been demonstrated above that the proposed extension falls within the parameters set out in The Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 (as amended) Article 3 Part 1 Classes B & C and, as such, planning permission is not required as the works qualify as Permitted Development subject to the following conditions.

Class B.2 (a) states that external materials used for a roof extension should be of a similar appearance to those of the existing building in order for it to qualify as permitted development. Any certificate issued will be on this basis.

Class B.2 (b) requires that the edge of it closest to the eaves of the original roof shall, as far as practicable, be set at least 20cm from the eaves of the original roof. The accompanying plans show a distance of approximately 1 metre maintained between the wall of the proposed dormer and the roof eaves. The dormer is therefore compliant with this condition.

There are no other conditions set out that are of relevance to this application.

RECOMMENDATION

PP NOT REQUIRED

The Arun District Council hereby certify that on 27th January 2014 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 black on the plan attached to this certificate, would be lawful within the meaning of section 192 of the Town & Country Planning Act 1990 for the following reasons:-

The proposed works comply with relevant criteria within The Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 (as amended), Article 3, Part 1, Classes B & C and, therefore, constitute Permitted Development.

FIRST SCHEDULE

The volume increase provided by the dormer, as shown on the accompanying drawing reference 30:A would be below 40 cubic metres. The roof lights will not project more than 150mm from the existing roof plane.

SECOND SCHEDULE

Cocoa Cottage, 6 Arundel Road, Angmering, West Sussex, BN16 4LA

EXTENT OF DEVELOPMENT

A/5/14/CLP

The development consists of the formation of a flat roof dormer within the rear roof slope and the installation of a total number of three roof lights within the front roof slope.



Based on the Ordnance Survey mapping with permission of the Controller of Her Majesty's Stationery Office ? Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Arun District Council 100018487.