

**Recommendation Report for Lawful Development Certificate for a Proposed Use or Development****REF NO:** BE/57/17/CLP**LOCATION:** 34 Hazel Road  
Bersted**PROPOSAL:** Certificate of lawfulness for a proposed loft conversion with new gable end & rear dormer.**DESCRIPTION OF APPLICATION**

Proposed gable end roof extension measuring 3.4m wide and 2.7m high finished in tiles to match. New rear dormer measuring 6.9m wide, 2.4m high & 3.7m deep also finished in tiles to match. Three new velux roof lights on the front elevation. The new accommodation comprises two new bedrooms one with an en-suite.

**DESCRIPTION OF SITE AND SURROUNDINGS**

Flat site comprising of a semi-detached brick/concrete tiled bungalow with front hardstanding, side driveway leading to detached garage and a rear garden. Existing conservatory on the rear of the property. No boundary treatments to the front or to the side with no. 32. Located in a residential setting consisting of similar semi-detached bungalows, all in the same style/materials.

**RELEVANT SITE HISTORY**

|            |                                                                                 |                                    |
|------------|---------------------------------------------------------------------------------|------------------------------------|
| BE/17/06/  | To make existing garage into tandem garage to be extended into garden.          | Withdrawn<br>16-05-2006            |
| BE/81/06/  | Demolish existing garage and erect new garage (Resubmission following BE/17/06) | ApproveConditionally<br>25-08-2006 |
| BE/12/55/H | Revised plans for bungalows                                                     | Approve<br>18-09-1957              |

Planning Permission ref BE/12/55/H has been checked but no conditions were imposed and so the property has the benefit of permitted development rights.

**REPRESENTATIONS****Representations received:**

None.

**Comments on Representations received:**

N/A.

**CONSULTATIONS****Consultations responses received:**

None.

**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 criteria contained Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The relevant class is:

Class B, which pertains to additions to the roof of a dwellinghouse; and Class C which pertains to other alterations to the 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**

The proposal seeks permission for a single storey rear extension to replace an existing conservatory. As stated above, for an extension to be considered as permitted development it must comply with Part 1, Classes B & C of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Class B states that development is not permitted 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;

(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;

(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;

(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

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

Criteria (a), (e) & (f) are not relevant. Criteria (b) & (c) are relevant but neither of the roof alterations exceed the height of the existing roof or project beyond an existing roof plane. In respect of criteria (d), the area of the new roof space is 48.1 cubic metres (m<sup>3</sup>) and therefore falls below the 50m<sup>3</sup> threshold.

It is also necessary to consider Class C which relates to new velux windows. This states that development is not permitted 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) the alteration would 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;
- (c) it would result in the highest part of the alteration being higher than the highest part of the original roof; or
- (d) it would consist of or include-

- (i) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or
- (ii) the installation, alteration or replacement of solar photovoltaics or solar thermal equipment.

The proposed front facing velux windows are shown to be set flush with the plane of the roof and therefore, the proposal complies with these criteria.

As such the proposed rear extension is considered to comply with Part 1, Classes B & C and is therefore considered to be "Permitted Development" not requiring the submission of a planning application.

## **RECOMMENDATION**

### **PP NOT REQUIRED**

The Arun District Council hereby certify that on 20 April 2017, the proposed 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, was lawful within the meaning of section 192 of the Town & Country Planning Act 1990 for the following reasons:

The proposed hip to gable side and rear dormer extensions as well as the proposed front facing velux windows are considered to fall under Schedule 2 Part 1 Classes B & C of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Class B, (b) & (c) state that no part of the extension must exceed the height of the highest part of the existing roof and must not project beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway. Criteria (d) states that the cubic content of the resulting roof space must not exceed the cubic content

of the original roof space by more than 50 cubic metres. Furthermore, Class B (b) & (c) require that new velux windows must not protrude more than 0.15 metres beyond the plane of the slope of the original roof and must not result in the highest part of the alteration being higher than the highest part of the original roof.

34 Hazel Road is a semi-detached bungalow. The proposed hip to gable end roof extension will measure 3.4m wide by 2.7m high. The new rear dormer will measure 6.9m wide, 2.4m high and 3.7m deep. Three new velux roof lights are proposed to the front elevation and will be set flush to the existing plane of the roof.

As such the proposed rear extension is considered to comply with Part 1 Classes B and C and is considered to be "Permitted Development" not requiring the submission of a planning application.

However, it should be noted that this is conditional on the materials used in the hip to gable and dormer extensions being of a similar appearance to those materials used in the construction of the exterior of the existing dwellinghouse.

#### **FIRST SCHEDULE**

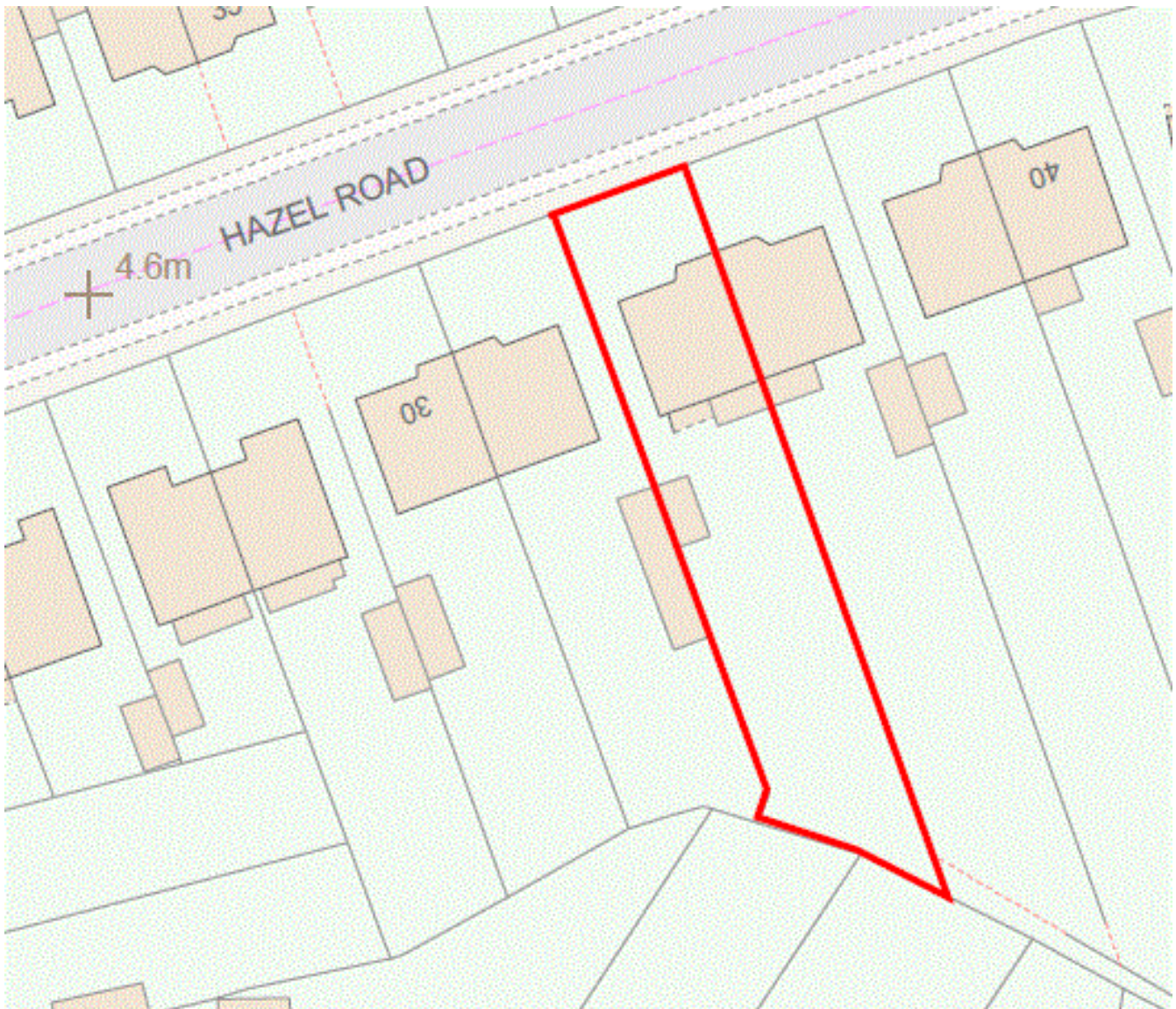
The development proposed is a hip to gable side roof extension, a rear dormer extension and three new velux windows to the front roof all as shown on the submitted drawings received on 20 April 2017 (Site Location Plan; Block Plan; Proposed Ground and First Floor Plans ref 17/34/3; Proposed Elevations ref 17/34/4; and Proposed Roof Plan ref 17/34/5).

#### **SECOND SCHEDULE**

34 Hazel Road, Bersted, Bognor Regis, PO22 9DN.

#### **EXTENT OF USE**

The proposed hip to gable end roof extension will measure 3.4m wide by 2.7m high. The new rear dormer will measure 6.9m wide, 2.4m high and 3.7m deep. Three new velux roof lights are proposed to the front elevation.



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