

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

**REF NO:** BN/133/19/CLP

**LOCATION:** Summerfield  
Lake Lane  
Barnham  
PO22 0AE

**PROPOSAL:** Application for Certificate of Lawfulness for a Proposed Use - Converting the loft to a master bedroom with an en-suite

**DESCRIPTION OF APPLICATION**

Application for Certificate of Lawfulness for a Proposed Use - Converting the loft to a master bedroom with an en-suite.

**RELEVANT SITE HISTORY**

**REPRESENTATIONS**

**Representations Received:**

**CONSULTATIONS**

**Consultations Responses Received:**

**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).

- Class B - additions etc 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.

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| <b>CONCLUSION</b> |
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Class B - additions etc to the roof of a dwellinghouse  
Permitted development

B. The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.  
Development not permitted

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, 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.

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.

#### Interpretation of Class B

B.3 For the purposes of Class B, "resulting roof space" means the roof space as enlarged, taking into account any enlargement to the original roof space, whether permitted by this Class or not.

B.4 For the purposes of paragraph B.2(b)(ii), roof tiles, guttering, fascias, barge boards and other minor roof details overhanging the external wall of the original dwellinghouse are not to be considered part of the enlargement.

Section 55 of The Town and Country Planning Act 1990 Meaning of "development" and "new development".

(1) Subject to the following provisions of this section, in this Act, except where the context otherwise requires, "development," means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.

For the purposes of this Act " building operations " includes:

- (a) demolition of buildings;
- (b) rebuilding;
- (c) structural alterations of or additions to buildings; and
- (d) other operations normally undertaken by a person carrying on business as a builder.]

(2) The following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land:

- (a) the carrying out for the maintenance, improvement or other alteration of any building of works which:
  - (i) affect only the interior of the building, or
  - (ii) do not materially affect the external appearance of the building,

and are not works for making good war damage or works begun after 5th December 1968 for the alteration of a building by providing additional space in it underground;

- (b) the carrying out on land within the boundaries of a road by a highway authority of any works required for the maintenance or improvement of the road but, in the case of any such works which are not exclusively for the maintenance of the road, not including any works which may have significant adverse effects on the environment];

- (c) the carrying out by a local authority or statutory undertakers of any works for the purpose of inspecting, repairing or renewing any sewers, mains, pipes, cables or other apparatus, including the breaking open of any street or other land for that purpose;

- (d) the use of any buildings or other land within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse as such;

(e) the use of any land for the purposes of agriculture or forestry (including afforestation) and the use for any of those purposes of any building occupied together with land so used;

(f) in the case of buildings or other land which are used for a purpose of any class specified in an order made by the Secretary of State under this section, the use of the buildings or other land or, subject to the provisions of the order, of any part of the buildings or the other land, for any other purpose of the same class.

(g) the demolition of any description of building specified in a direction given by the Secretary of State to local planning authorities generally or to a particular local planning authority.]

It is considered that the conversion of the loft space to residential use is an internal operation where according to section 55 of the Act is not development requiring planning permission.

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| <b>RECOMMENDATION</b> |
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**PP NOT REQUIRED**

**The Arun District Council hereby certify that on 02/01/2020 the use/operation 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 development is considered to comply with the relevant criteria within Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) 2015 and section 55 of the Town and Country Planning Act 1990.**

**FIRST SCHEDULE**

**Certificate of Lawfulness for a loft conversion to introduce a master bedroom with an en-suite. This is shown on the following plans:**

- Location and Block Plan LC01**
- Feasibility- Floor Plans and Sections FE1 Rev: A**

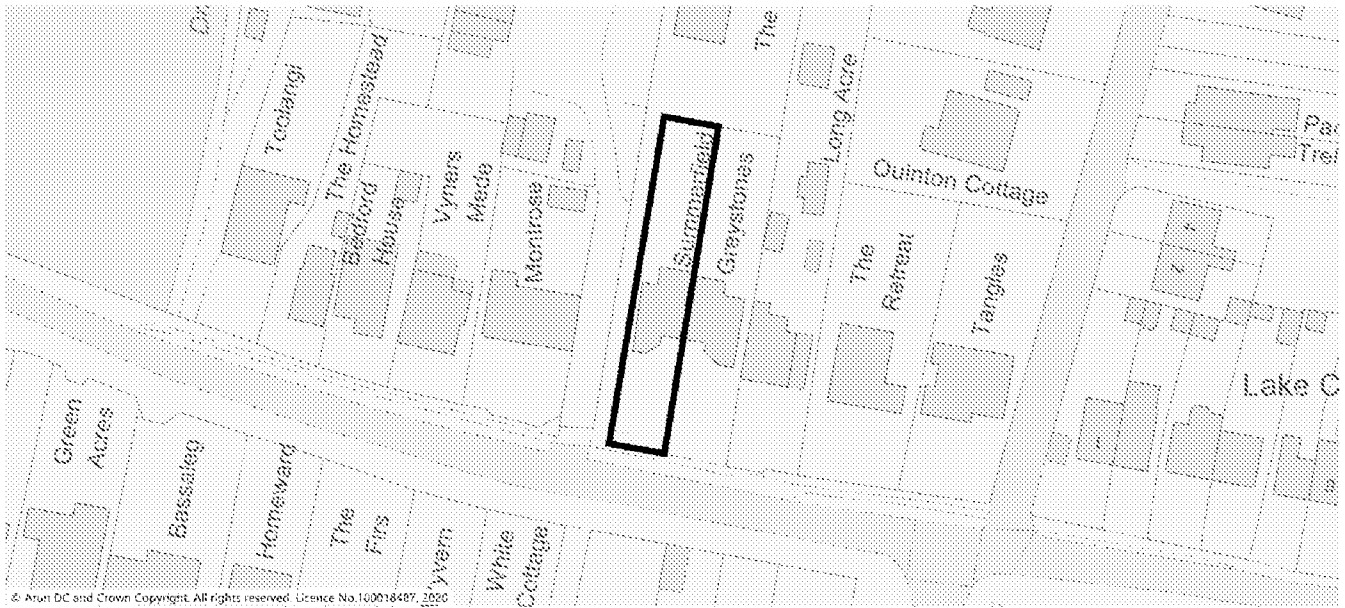
**SECOND SCHEDULE**

**Summerfield, Lake Lane, Barnham, PO22 0AE.**

**EXTENT OF USE**

**Converting the loft to a master bedroom with an en-suite.**

**BN/133/19/CLP - Indicative Location Plan (Do not Scale or Copy)**  
**(All plans face north unless otherwise indicated with a north point)**



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