

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

REF NO: EP/106/20/CLP

LOCATION: Lovely Cottage
South Strand
East Preston
BN16 1PN

PROPOSAL: Lawful development certificate for proposed removal of chimney and installation of bathroom and dormer.

DESCRIPTION OF APPLICATION

The application seeks to construct a dormer to facilitate a bathroom to the rear elevation and removal of the existing chimney.

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
- S55 Para. 2 (a) of the Town and Country Planning Act covers what is not development - this includes internal works.

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.

CONCLUSION

The proposed dormer is considered to fall under Schedule 2 Part 1 Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Class B - additions etc. to the roof of a dwellinghouse

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 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.
land.; or
- (g) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).

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.

The application also seeks to remove the chimney to accommodate the dormer. The Town and Country Planning Act 1990 Section 55 Para. 2 (a) informs that the carrying out for the maintenance, improvement or other alteration of any building of works which affect only the interior of the building, or do not materially affect the external appearance of the building are also not regarded as development.

There are alterations to the external appearance of the building namely the demolition of the chimney that, due to its siting and minor scale does not materially affect the appearance of the dwelling. This aspect of the application is therefore not classed as development.

The property known as Lovely Cottage is a detached property and is not listed or within a conservation area. The proposed extension would be of materials to match that of the existing.

Examination of the site history has revealed no restrictions of permitted development at the property.

The proposed dormer complies with relevant sections and is considered permitted development and as such does not require the submission of an application for full planning permission.

RECOMMENDATION

PP NOT REQUIRED

The Arun District Council hereby certify that on 23rd September 2020 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, was lawful within the meaning of section 192 of the Town & Country Planning Act 1990 by reason of compliance with the relevant criteria within:

- Schedule 2 Part 1 Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015.
- The Town and Country Planning Act 1990 Section 55 Para. 2 (a) informs that the carrying out for the maintenance, improvement or other alteration of any building of works which affect only the interior of the building, or do not materially affect the external appearance of the building are also not regarded as development.

FIRST SCHEDULE

The proposed dormer is considered to fall under Schedule 2 Part 1 Class B of the GDPO.

The development hereby approved shall be carried out in accordance with the following approved plans:

- Existing Ground Floor and Roof Plan, Existing Elevations and Location and Block Plan. Dwg No. 09-20 LC Pa Rev 2
- Proposed Ground Floor Plan and Roof Plan and Proposed Elevations. Dwg No 09-20- LC Pb Rev 2

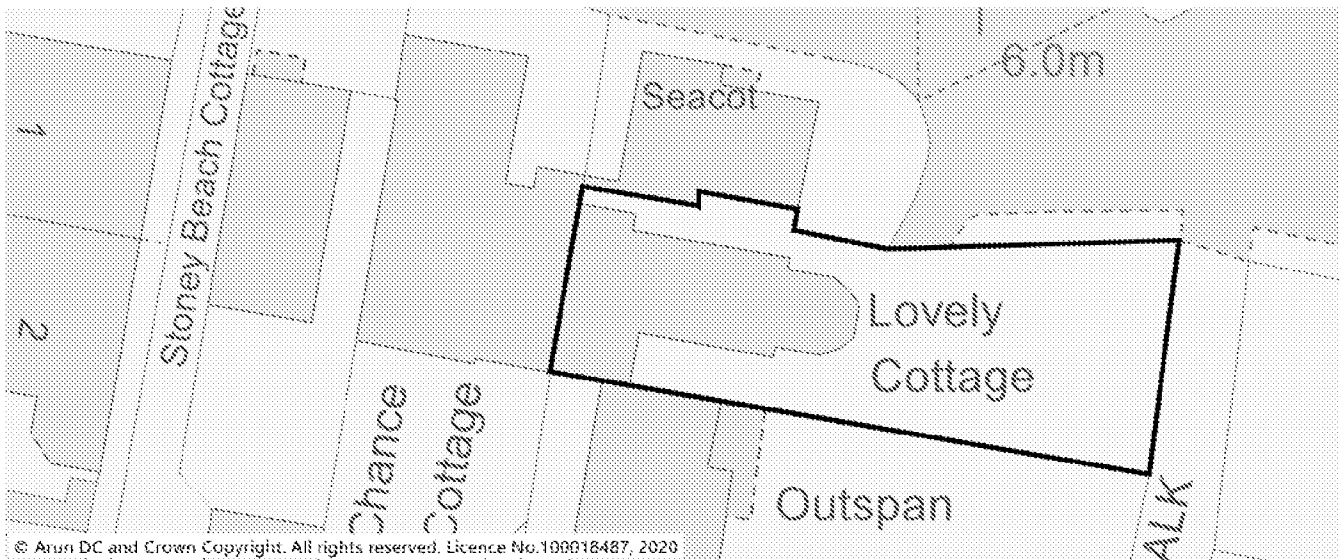
SECOND SCHEDULE

Lovely Cottage, South Strand, East Preston, West Sussex, BN16 1NP

EXTENT OF USE

Demolition of chimney and construction of a dormer to facilitate a bathroom to the rear elevation and removal of the existing chimney.

EP/106/20/CLP - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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