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

REF NO: **EP/123/23/CLP**

LOCATION: Winterberg Montpelier Road
East Preston
BN16 1JY

PROPOSAL: Lawful development certificate for a proposed loft conversion including rear hip to gable extension, side dormer and single storey rear extension.

DESCRIPTION OF APPLICATION

This application seeks the construction a single storey rear extension, installation of a side roof dormer, hip to gable loft conversion, and loft conversion. There are also 4 No. rooflights proposed to the side (West) elevation.

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 Section 55 of the Town and Country Planning Act 1990, and the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.

- Class A, which pertains to enlargement, improvement or other alteration of a dwellinghouse.
- Class B, which pertains to additions etc to the roof of a dwellinghouse.
- Class C, which pertains to other alterations 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.

CONCLUSION

The proposed loft conversion falls under Section 55 of the Town and Country Planning Act 1990 as it relates to internal works and remains within the same use class.

The proposed single storey rear extension, side dormer, and hip-to-gable roof conversion fall under Schedule 2, Part 1, Classes A, B, and C of the town and country planning (General Permitted Development) (England) Order 2015.

CLASS A
Permitted Development
A. The enlargement, improvement or other alteration of a dwellinghouse.

Development not permitted
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 G, M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use);
(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);
(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;
(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;
(e)the enlarged part of the dwellinghouse would extend beyond a wall which-
(i)forms the principal elevation of the original dwellinghouse; or
(ii)fronts a highway and forms a side elevation of the original dwellinghouse;
(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;
(g)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 original 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;
(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 being enlarged which is

opposite the rear wall of that dwellinghouse;
(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;
(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 a single storey, or
(iii)have a width greater than half the width of the original dwellinghouse;
(ja)any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (e) to (j);
(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; or
(l)the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).

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 a single storey and extend beyond the rear wall of the original dwellinghouse;
(d)any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (b) and (c).

Conditions
A.3 Development is permitted by Class A subject to the following conditions-
(a)the materials used in any exterior work (other than materials used in the construction of a conservatory) must 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 1.7 metres above the floor of the room in which the window is installed; and
(c)where the enlarged part of the dwellinghouse has more than a single storey, or forms an upper storey on an existing enlargement of the original dwellinghouse, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.

CLASS B
Class B - additions etc. to the roof of a dwelling/house
The enlargement of a dwelling/house 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 dwelling/house as a dwelling/house 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 dwelling/house would, as a result of the works, exceed the height of the highest part of the existing roof;
(c) any part of the dwelling/house would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwelling/house 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 veranda, balcony or raised platform, or
(ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe; or
(f) the dwelling/house 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 dwelling/house;
(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 dwelling/house; and
(c) any window inserted on a wall or roof slope forming a side elevation of the dwelling/house 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.

CLASS C
C.1 Development is not permitted by Class C if-
(a) permission to use the dwelling/house as a dwelling/house has been granted only by virtue of Class M, N, P 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.

C.2 Development is permitted by Class C subject to the condition that any window located on a roof slope forming a side elevation of the dwelling/house must be-
(a) obscure-glazed; and
(b) 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 property known as Winterberg is a single storey detached property and is not Listed or within a

Conservation Area. The proposed extensions would be of materials to match that of the existing.

There are no PD restrictions.

The proposed single storey rear extension complies with relevant sections A.1(b),(c),(d),(e),(f),(i) & A.3(a) and is permitted development and as such, does not require planning permission.

The proposed side dormer and hip-to-gable roof extensions are compliant with relevant sections B.1(b),(c),((d)ii) B.2(a),(((b)i)aa),(((b)i)bb),((c)i), and ((c)ii). As such, they are permitted development and do not not require the submission of an application for planning permission.

The proposed rooflights to the West elevation are compliant with relevant sections C.1(b),(c),(d) & C.2(a),(b), and as such, they are permitted development and would not require the submission of an application for planning permission.

RECOMMENDATION

PP NOT REQUIRED

The Arun District Council hereby certify that on 27 September 2023 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 by reason of compliance with the relevant criteria within Schedule 2, Part 1, Classes A, B & C of the Town and Country Planning (General Permitted Development) (England) Order 2015, and Section 55 of the Town and Country Planning Act 1990.

FIRST SCHEDULE
Single storey rear extension, side dormer extension, rear hip-to-gable extension, and 4 No. rooflights. This application has been assessment for lawfulness against the following plans & documents:

- Existing Plans, Elevations, Roof Plan and Site Location Plan 1340.01.
- Proposed Plans, Elevations, Roof Plan and Site Block Plan 1340.02.d.
- Planning Statement (Accepted 28/09/23).

SECOND SCHEDULE
Winterberg, Montpelier Road, East Preston, BN16 1JY.

EXTENT OF USE
Construction of a single storey rear extension, side dormer extension, rear hip-to-gable extension, and 4 No. rooflights.

EP/123/23/CLP - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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