

Recommendation Report for Lawful Development Certificate for a Proposed Use or Development**REF NO:** EP/143/19/CLP**LOCATION:** 5 Matrons Cottages
Sea Road
East Preston
BN16 1JP**PROPOSAL:** Lawful development certificate for the proposed installation of 3 No. various sized Velux Roof windows to rear roof slope to enable the roof space to be used for habitable use.**DESCRIPTION OF APPLICATION**

Lawful development certificate for the proposed installation of 3 No. various sized Velux Roof windows to rear roof slope to enable the roof space to be used for habitable use.

RELEVANT SITE HISTORY

EP/2/15/RES	Approval of reserved matters following outline consent EP/83/12/ for 5 No. dwellings.	Refused 09-03-15 Appeal: Allowed+Conditions 15-09-15
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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) and The Town and Country Planning Act S55 Para 2.

- 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.

CONCLUSION

The Town and Country Planning Act S55 Para 2 states:

"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,"

It is indicated by the detail as submitted that the proposed loft conversion in this application would not be materially different in appearance to those currently in situ. This is resultant of referring to the design, detailing (the materials and construction of the loft conversion) and operation (layout of the proposal).

Under Section 55 (a)(i) the proposed conversion of the loft space is not considered to be development and as such falls under permitted development rights.

Class C - other alterations to the roof of a dwellinghouse

Development not permitted

C.1 Development is not permitted by Class C 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.

Conditions

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 dwellinghouse 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.

SUMMARY

The property is known as 5 Matrons Cottages, Sea Road, East Preston, BN16 1JP is an end of terrace dwelling and is not a Listed Building or within a Conservation Area.

Whilst there is a known Permitted Development restriction relating to windows at the first floor or above at the site, Condition 2 of EP/94/05 relates only to the Southern Elevation, as opposed to the front and rear elevations, therefore, this proposal is unaffected.

RECOMMENDATION

PP NOT REQUIRED

The Arun District Council hereby certify that on 06/11/2019 the use/development/operation/matter 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 complies with the limitations of Schedule 2 Part 1 Class C of the General Permitted Development Order 2015.

FIRST SCHEDULE

Proposed installation of 3 No. various sized Velux Roof windows to rear roof slope to enable the roof space to be used for habitable use. This is shown on the following plans:

- Site Plans - 1346/001

- Elevations and Roof Plans 929.103 (Revision received in email dated 19/11/2019 @ 8:57)

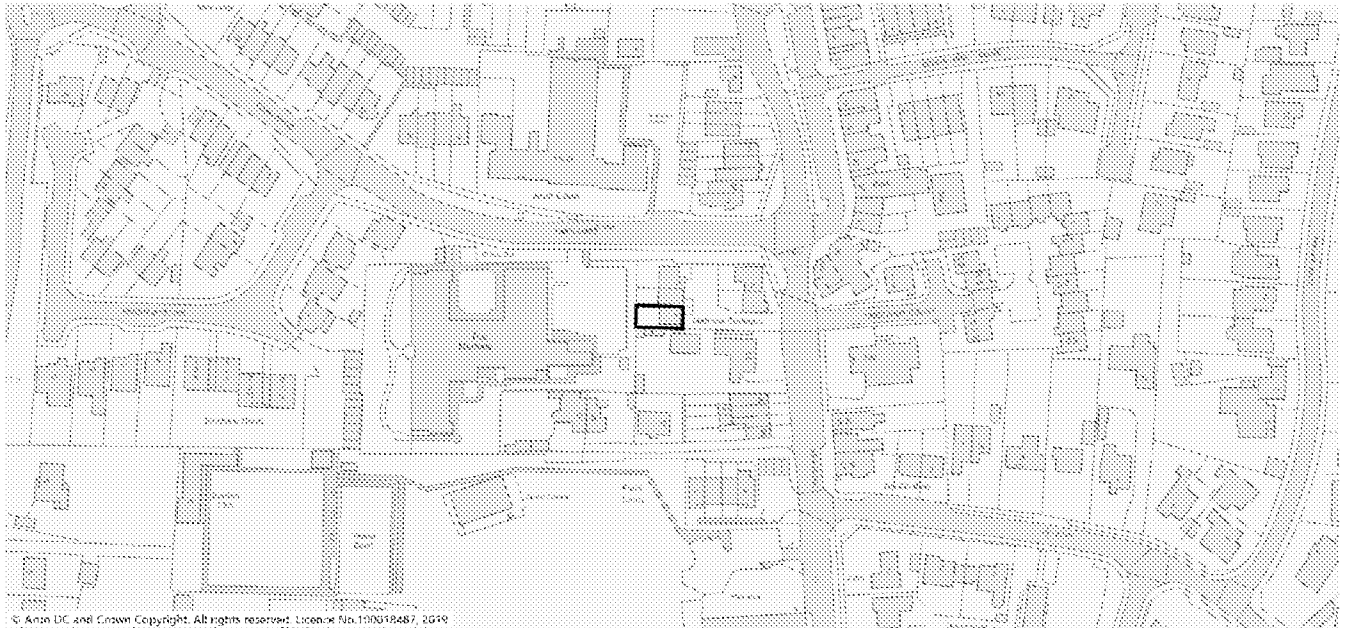
SECOND SCHEDULE

5 Matrons Cottages, Sea Road, East Preston BN16 1JP

EXTENT OF USE

Lawful development certificate for the proposed installation of 3 No. various sized Velux Roof windows to rear roof slope to enable the roof space to be used for habitable use.

EP/143/19/CLP - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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