

Recommendation Report for Lawful Development Certificate for a Proposed Use or Development**REF NO:** EP/143/21/CLP**LOCATION:** 2 Hillview Crescent
East Preston
BN16 1RD**PROPOSAL:** Lawful development certificate for a proposed rear dormer, insertion of front roof window and confirmation that following grant of EP/41/18/PDH confirmation of completion by 30th May 2019 is no longer required.**DESCRIPTION OF APPLICATION**

This application seeks a rear roof dormer, full width across the rear roof slope of the property, a rooflight to an elevation fronting the highway and confirmation that an existing condition attached to EP/41/18/PDH (extension to be completed before 30th May 2019) is no longer applicable.

RELEVANT SITE HISTORY

EP/74/19/HH	Hip to barn hip extension & single storey rear extension.	Refused 07-11-19 Appeal: Dismissed 02-07-20
EP/16/19/HH	Single storey rear extension with an addition of a second floor including a rear dormer and gable end window	Refused 11-04-19
EP/41/18/PDH	Notification under extended permitted development rights for a single storey rear extension measuring 5m from the rear wall of the original dwelling with a maximum height of 3.16m & an eaves height of 2.85m.	Prior Approv not req 25-04-18
EP/44/18/HH	Hip to gable loft conversion	Refused 10-05-18
EP/150/17/HH	Loft Conversion & rear extension - Resubmission of EP/113/17/HH	Refused 12-01-18

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) (Amendment) (No. 2) (England) Order 2015 (as amended).

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

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 proposed roof light to the side elevation is considered to fall under Schedule 2 part 1 class C of the town and country planning (General Permitted Development) (England) Order 2015.

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 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 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."

The property known as 2 Hillview Crescent is a semi detached property and is not listed or within a conservation area. The proposed extension would be of materials to match that of the existing.

After examination to the sites planning history no restrictions to the property's permitted development rights have been found.

The proposed rear roof dormer complies with relevant sections B.1 (b)(c)(d)(i) B.2(a)(b)(i)(bb)(ii) and is considered permitted development and as such does not require the submission of an application for full planning permission.

The proposed front rooflight complies with relevant sections C.1 and is considered to be permitted development and as such does not require the submission of an application for full planning permission.

The rear extension falls under Schedule 2 part 1 class A of the town and country planning (General Permitted Development) (England) Order 2015.

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 M, N, P 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; or

(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.

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).

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.

The proposed rear extension conflicts with relevant sections A.1(f)(i)(g)(i) and is not considered permitted development and as such does require the submission of a Prior Notification application.

INFORMATIVE

The previous application relating to the Large Homes Extension EP/41/18/PDH determined that prior approval was not required. A condition relating to the completion of the extension on or before 30th May 2019 was attached to the decision. As the extension was not completed on or before this date this permission is no longer viable and the permission has lapsed, and a new Prior Notification application should be submitted and agreed in writing with the LPA before works to the rear extension commence.

It has also been noted that the plans forming part of this submission compared with those submitted as part of EP/41/18/PDH differ in that the roof structure and side wall to an original Kitchen protrusion to the rear of the building has been shown completely removed, the proposed roof contains a small sections of pitched roof and the number and placement of rooflights has been altered. As such the rear extension submitted as part of this application is not the same and will therefore require its own fresh Prior Notification application.

RECOMMENDATION

PP REQUIRED

The Arun District Council hereby certify that on 28th October 2021 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 not lawful within the meaning of section 192 of the Town & Country Planning Act 1990 by reason of conflict with the relevant criteria within Schedule 2 Part 1 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015.

FIRST SCHEDULE

The proposed rear dormer, rooflight and rear extension is considered to fall under Schedule 2 Part 1 of the GDPO

The development is hereby refused based on the following submitted documents;

- Proposed Floor Plans 21-050-5 Rev A
- Location, Block Plans and proposed Roof 21-050-4 Rev A
- Proposed Elevations 21-050-6 Rev A
- Statement of evidence dated 28th October 2021

SECOND SCHEDULE

2 Hillview Crescent, East Preston

EXTENT OF USE

This application seeks a rear roof dormer with a volume less than 42 cubic meters, full width across the rear roof slope of the property, a rooflight to an elevation fronting the highway and confirmation that an existing condition attached to EP/41/18/PDH (extension to be completed before 30th May 2019) is no longer applicable.

EP/143/21/CLP - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



Based on the Ordnance Survey mapping with permission of the Controller of Her Majesty's Stationery Office © Crown Copyright.
 Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Arun District Council
 100018487. 2015