

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

**REF NO:** EP/145/18/CLP

**LOCATION:** 2 Veronica Close  
East Preston

**PROPOSAL:** Lawful development certificate for a proposed loft conversion including rear dormer.

**DESCRIPTION OF APPLICATION**

The application seeks a lawful development certificate for the construction of a dormer window to the rear of the dwellinghouse.

**DESCRIPTION OF SITE AND SURROUNDINGS**

The application site is occupied by a two storey detached property. The character of the locality is residential and features properties of a similar design and style.

**RELEVANT SITE HISTORY**

None.

**REPRESENTATIONS**

**Representations received:**

None.

**Comments on Representations received:**

N/A

**CONSULTATIONS**

**Consultations responses received:**

None.

**Comments on Consultation responses:**

N/A

**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 2 criteria contained within The Town and Country Planning (General Permitted Development) Order 2015 (as amended), under

Schedule 2, Part 1, Class B, which pertains to the enlargement of a dwellinghouse consisting of an addition or alteration to its 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.

## **CONCLUSIONS**

The proposed rear dormer would need to accord with the limitations of Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), which states;

"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;

(the dormer would not exceed the height of the highest part of the 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;

(The works would not front an adopted 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;

(The cubic content of the roof as proposed would measure 17.28m<sup>3</sup> , and therefore would not exceed 50 cubic metres as above)

(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

(neither or criteria (e) would form part of the proposed works)

(f) the dwellinghouse is on article 2(3) land.

(N/A)

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;

(the material finishes as listed on plan 4A, are considered as similar in appearance to the existing dwelling ; windows material & Cladding)

(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.

(N/A)

(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

(the eaves of the original roof are maintained at approx 0.4m)

(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

(N/A)

(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."

(N/A)

**ASSESSMENT:**

The property known as 2 Veronica Close, East Preston. It is a detached house and is not a listed building or situated within article 2(3) land. An examination of the planning history for the site has not identified any permitted development restrictions.

The proposed dormer window will result in an increase of less than 17.28m<sup>3</sup> and by virtue of its design and appearance is considered to accord with the limitations of Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). Therefore, it is considered that the proposed dormer window constitute permitted development.

**RECOMMENDATION**

**PP NOT REQUIRED**

The Arun District Council hereby certify that on 13th March 2017 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 for the following reason;

·The proposed development accords with the limitations of Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

**FIRST SCHEDULE**

Construction of a rear dormer with a cubic content of less than 50 m3 in accordance with the limitations of Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

**SECOND SCHEDULE**

2 Veronica Close, East Preston, BN16 1PZ

**EXTENT OF USE**

Rear dormer in accordance with drawing;

- Location Plan/Block Plan/Existing and proposed floor/elevation plans, and roof plans  
: Drawing no: 1181.02a dated - 8/10/2018.



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