

Recommendation Report for Lawful Development Certificate for a Proposed Use or Development**REF NO:** EP/36/22/CLP**LOCATION:** 38 Hillview Crescent
East Preston
BN16 1RQ**PROPOSAL:** Lawful development certificate for a proposed loft conversion hip to gable with rear dormer.**DESCRIPTION OF APPLICATION**

This application proposes a loft conversion with a hip to gable roof conversion at the North elevation that rises to meet the existing ridge line with a cubic content of approx. 73 cubic meters. It also proposes what is described as a 'rear roof dormer' that is 3.75m in width, 3.2m in height and 9.3m in depth with a cubic volume of approx. 110 cubic meters. There are also, 2No. rooflights to be installed, 1 No. to the front roof slope and 1 No. to the rear roof slope.

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

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

Class B:

Permitted development

B. 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.

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."

What is described as a rear dormer within this application is not a rear dormer. It extends beyond the eaves of the roof and sits atop an existing single storey rear extension. The section which would extend beyond the eaves of the roof is considered a two storey rear extension.

The property known as 38 Hillview Crescent is a semi-detached, single storey property and is not listed or within a conservation area. Specific information regarding the materials proposed for use are not specified and so it cannot be stated whether this proposal complies with section B.2(a).

There are no permitted development restrictions.

The proposed hip to gable conversion and rear dormer do not comply with relevant sections Class B.1(dii), B.2(bb) or (bbii) and is not considered permitted development. As such, it requires the submission of an application for full planning permission.

As part of the loft conversion, there are to be 2 No. rooflights installed, 1 No. to the front roof slope and 1 No. to the rear roof slope. It is uncertain whether these rooflights will project off the roof slope to any extent as the plans do not annotate the depth nor show a projection on the side elevations. However, In accordance with the plans, with no projection perpendicular to the roof slope, the 2 No. rooflights comply with relevant sections Class C.1(b) and is considered permitted development. As such, it does require the submission of an application for full planning permission.

RECOMMENDATION

PP REQUIRED

The Arun District Council hereby certify that on 11/05/22 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 non-compliance with the relevant criteria within Schedule 2 Part 1 Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015.

FIRST SCHEDULE

The proposed rear dormer and hip to gable roof conversion are not considered to fall under Schedule 2 Part 1 of the GDPO.

SECOND SCHEDULE

38 Hillview Crescent, East Preston, West Sussex, BN16 1RQ.

EXTENT OF USE

A hip to gable roof conversion at the North elevation that rises to meet the existing ridge line with a cubic content of approx. 73 cubic meters.

Installation of 2 No. rooflights, 1 No. to the front roof slope and 1 No. to the rear roof slope.

A 'rear roof dormer' that is 3.75m in width, 3.2m in height and 9.3m in depth with a cubic volume of approx. 110 cubic meters.

EP/36/22/CLP - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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