

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

REF NO: EP/49/13/CLP

LOCATION: Gallic House
9 Tamarisk Way
East Preston

PROPOSAL: Application for Certificate of Lawfulness for a proposed use - Construction of dormer window on front elevation, alterations to entrance porch & Extension (single storey) to side elevation.

DESCRIPTION OF APPLICATION

There are four elements to the proposed scheme, they are as follows:-

- A single-storey lean-to style extension measuring approximately 1.2 metres in width by 5.6 metres in length and 3.65 metres at maximum height to the side (western) elevation.
- Installation of a first floor dormer window within the front roof slope.
- Alteration to existing flat roof overhang porch to a pitched roof supported by timber posts.
- Plans also show the formation of new windows at ground and first floor level as well as the provision of a second floor level roof light. These alterations will also be taken into account.

DESCRIPTION OF SITE AND SURROUNDINGS

The site is occupied by a detached 2½-storey residential dwelling. Dormer extensions have been formed in the front and rear roof slopes. A conservatory extension has been added to the rear.

RELEVANT SITE HISTORY

EP/206/88	Proposed conservatory	Approve Conditionally
		03-10-1988

REPRESENTATIONS

Representations received:

None.

Comments on Representations received:

None.

CONSULTATIONS

Consultations responses received:

None.

Comments on Consultation responses:

None.

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.

The Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 Part 1 sets out the level of works that can be undertaken at a residential dwelling without the necessity of a planning application. The proposed single-storey side extension and provision of new windows will be assessed against the parameters defined in Class A - 'The enlargement, improvement or other alteration of a dwellinghouse.'

Extensions to the beyond any wall facing a highway and forming either a principal or side elevation of a dwelling are prohibited under Class A.1 (d), however, concessions are made to allow for the erection of a porch if it is compliant with parameters set out in Class D - 'The erection or construction of a porch outside any external door of a dwellinghouse.' The proposed porch will therefore be tested against these criteria in order to ascertain if it qualifies as Permitted Development.

The proposed roof dormer will be assessed against the criteria contained within Class B of the order 'The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.' In order to determine if it qualifies as Permitted Development.

Finally, the provision of a second floor level roof light will be assessed against the requirements of Class C of the order 'Any other alteration to the roof of a dwellinghouse.'

CONCLUSIONS

Each element of the proposal will be assessed individually within the conclusions of this report in order to maintain clarity.

PROPOSED SIDE EXTENSION:

In order to determine if it qualifies as Permitted Development, the proposed side extension must be tested against the relevant criteria set out in The Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 Part 1 Class A.

Criterion A.1(a) states that the cumulative amount of ground covered by any extensions should not exceed 50% of the total area of the curtilage (not including the original dwelling house). A conservatory extension has been added to the original dwelling although the accompanying plans show that this structure is to be removed. Measurements taken from the accompanying block plan confirm that the proposed extension will occupy less than 50% of the area of the remaining curtilage. This will remain the case even if the existing conservatory is retained and its floor area added to a cumulative total.

Criterion A.1(b) informs that extensions must not exceed the height of the existing dwelling. The single-storey extension meets this requirement.

Criterion A.1(c) states that the eaves height of the extension must not exceed those of the dwelling. The proposed extension is compliant with this term.

Criterion A.1(d) informs that no extension should project beyond any wall that fronts a highway and forms a principal or side elevation of the dwelling. The proposed extensions will not project beyond any elevation wall that fits this description.

Criterion A.1(e) asserts that an extension to a detached dwelling (such as the proposal) shall not project more than 4 metres from the rear wall of the original dwelling. The proposed extension is being made to a side of the dwelling and will not project any distance beyond the rear elevation.

Criterion A.1(f) relates to extensions of more than one-storey only and is therefore not applicable to the proposed single-storey extension.

Criterion A.1(g) maintains that an extension within 2 metres of any site boundary should have an eaves height of no greater than 3 metres. The proposed extension would be positioned in excess of 2 metres from the site boundary and is therefore not subject to this limitation.

Criterion A.1(h) prohibits side extensions from being constructed if they have more than one storey, exceed 4 metres in height or if they have a width greater than half the width of the original dwelling. The proposed side extension is single-storey, is approximately 3.6 metres at its greatest height and, at approximately 1.2 metres in width, is comfortably within the parameters for maximum width.

The evidence above demonstrates that the proposed side extension would qualify as Permitted Development provided it is constructed using external materials of a similar appearance to those used on the existing dwelling, as per condition A.3(a) of the Order.

PROPOSED ROOF DORMER WITHIN FRONT ROOF SLOPE:

In order to be determine whether it qualifies as Permitted Development, the proposed roof dormer must be tested against the relevant criteria set out in The Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 Part 1 Class B.

The proposal does not constitute Permitted Development as it is in breach of Criterion B.1(b) which states that 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 does not constitute permitted development. The proposed roof dormer will extend beyond the plane of the roof slope over the principal elevation and, as such, cannot be deemed as permitted development for this reason.

ALTERATIONS TO FRONT PORCH:

In order to be determine whether it qualifies as Permitted Development, the proposed side extension must be tested against the relevant criteria set out in The Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 Part 1 Class D.

In this instance the proposed works fail to comply with Criterion (a) and (b) which set the parameters for a porch to qualify as permitted development and state that a porch would not be permitted if (a) the ground area (measured externally) of the structure would exceed 3 square metres or (b) any part of the structure would be more than 3 metres above ground level. This is because the floor area of the porch will be greater than 3 square metres and its overall height will also exceed 3 metres.

ALTERATIONS AND ADDITIONS OF WINDOWS AND PROVISION OF NEW ROOF LIGHT:

Window additions and alterations are governed by The Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 Part 1 Class A. There are no restrictions with regards to the addition of windows at ground floor levels. With regards to upper floor windows, any installed within a side elevation wall of the building would need to be obscure glazed. They would also be required to be fixed shut, except where the part of the window is over 1.7 metres above floor level.

The addition of a roof light is subject to separate criteria contained within The Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 Part 1 Class C.

Criterion C.1(a) allows for the addition of roof lights provided that they do not project more than 150mm from the roof plane. Accompanying plans show that this requirement appears to be accorded with. Any permitted roof light on a side facing roof slope (such as that proposed) is allowed subject to the condition that it is obscure glazed and is non-opening where less than 1.7 metres above floor level.

In summary, additional windows and roof lights shown would be deemed permitted development on the understanding that obscure glazing and non-opening parts are used where required.

SUMMARY:

The evidence collated above shows that, whilst the proposed side extension, new windows and roof light are deemed Permitted Development, subject to standard conditions, the proposed dormer and porch alterations fail against relevant criteria and, therefore, would require planning permission.

RECOMMENDATION

PP REQUIRED

The Arun District Council hereby certify that on the 30th of April 2013 the proposed development could not be deemed to be Permitted Development under The Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 Part 1 for the following reasons:-

The proposed dormer will extend beyond the plane of the front facing roof slope of the dwelling and, thereby, is in conflict with The Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 Part 1 Class B.1(b)

which instructs that the enlargement of a dwellinghouse consisting of an alteration or addition to its roof is not acceptable if '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 proposed porch alterations fail to comply with The Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 Part 1 Class D.1 (a) and (b) as the floor area of the porch would exceed 3 square metres (measured externally) and the overall height would be greater than 3 metres.

An application for Planning Permission would therefore need to be received, and approved, in order for the proposed works to be carried out lawfully.