

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

**REF NO:** FG/102/13/CLP

**LOCATION:** 32 Little Paddocks  
Ferring

**PROPOSAL:** Application for Certificate of Lawfulness for proposed use for extension to the rear of the property following demolition of existing additions, together with alterations to the roof, the elevations and drive access

**DESCRIPTION OF APPLICATION**

The application seeks confirmation of whether the proposed works, namely the erection of a single-storey rear extension, provision of a dormer and roof light within the eastern roof slope, various alterations to fenestrations on the existing dwelling and the widening of an existing driveway access to the front of the dwelling. The installation of a decked area to the rear of the dwelling is also shown.

**DESCRIPTION OF SITE AND SURROUNDINGS**

The site is occupied by a detached chalet style dwelling which has painted render elevation walls and a red tiled gable roof. Two flat roof dormers have been installed within the western roof slope. Two single-storey extensions have been added, side by side, to the rear of the dwelling. There is a detached garage building positioned in the south-eastern corner of the site. The site is accessed via a non-classified road and there are no special designations or restrictions attached to it.

**RELEVANT SITE HISTORY**

None.

**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.

In this instance the proposed works will be assessed against 2 criteria contained within The Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008, Part 1.

- Class A, which pertains to the enlargement, improvement, or other alterations to a dwellinghouse.
- Class B, which pertains to the enlargement of a dwellinghouse consisting of an addition or alteration to its roof.
- Class C which pertains to any other alteration to the roof of a dwellinghouse.
- The Town and Country Planning (General Permitted Development) Order 1995 Schedule Part 2 (Minor Operations) Class B which pertains to Minor Operations.

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 proposal includes a single storey extension being made to the rear of the existing detached dwelling. The Town and Country Planning (General Permitted Development)(Amendment)(No. 2)(England) Order 2008 Article 3 Part 1 Class A (a) states that the 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). With an area of approximately 28.6 square metres, the footprint of the proposed extension will occupy under 50% of the area of the curtilage.

Class A (b) informs that extensions must not exceed the height of the existing dwelling. The roof top of the proposed extension will be set well below that of the existing dwelling roof, in accordance with this criterion.

Class A (c) states that the eaves height of the extension must not exceed those of the dwelling. Technical Guidance to be read in conjunction with householder permitted development rights informs that, for the purposes of a flat roof extension, the 'eaves' height is taken at roof top height. The roof top of the extension is set below existing eaves height and, as such, this criterion is satisfied.

Class A (d) informs that the extension should not project beyond any wall that fronts a highway and forms a principle or side elevation of the dwelling. The proposed extension will be made to the rear of the dwelling and, therefore satisfies this requirement.

Class A (e) asserts that an extension to a detached dwelling (such as the proposal) must not project more than 4 metres from the rear wall of the original dwelling. The proposed extension will project approximately 3.95 metres from the original rear wall of the dwelling (following removal of existing rear extensions) and therefore does not exceed this threshold. The criterion also sets the maximum height of a single-storey extension as 4 metres. The roof top height of the proposed extension will be approximately 3.5 metres above ground level. This condition is therefore complied with.

Class A (g) maintains that an extension within 2 metres of any site boundary should have an eaves height of no greater than 3 metres. The eaves height of the proposed extension exceeds 3 metres. However, this restriction is not applicable as the extension does not reach within 2 metres of any side boundary.

With regards to the proposed changes in fenestrations within the elevation walls of the original dwelling, Class A of the Permitted Development Order for Householders lists any alteration to a dwelling as being permitted on the proviso that it does not conflict with any of the restrictions that it goes on to set out. The only restriction associated with the alteration or addition of fenestrations relates to windows and/or openings above ground floor level on side elevations, with the requirement being that they are obscure glazed when less than 1.7 metres above floor level. The only new upper floor opening within the elevation walls of the dwelling will be installed in the rear elevation and, as such, not subject to this restriction.

The proposal also involves the formation of a dormer window within the eastern roof slope of the original dwelling. Such works can potentially be carried out without the need to obtain planning permission, should they be compliant with criteria set out in The Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 Part 1, Class B. Consequently, the proposal will be assessed against criteria within this part of the order to ascertain whether planning permission is required or not.

Criterion B.1 (a) states that a roof extension should not exceed the height of the existing roof. The top of the proposed dormer will be set below the ridge line of the existing roof, thereby complying with this requirement.

Class B (b) informs that, for a roof extension to be deemed permitted development, it must not extend beyond the plane of any roof slope that forms the principal elevation and fronts a highway. The proposed dormer will be installed within a side facing roof slope. The criterion is therefore accorded with.

Class (c) states that the maximum increase in volume (from that of the roof space in the original dwellinghouse) for a detached dwelling is 50 cubic metres. This is a cumulative value which takes any existing roof extensions into account. The original dwellinghouse, as interpreted with the Permitted Development Order is taken to be its appearance on 1st of July 1948 as built if constructed after that date. There are existing dormers within the roof slope but planning history shows no record of their installation. It is therefore reasonable to assume that they are part of the original dwelling. The additional volume that will be gained through the installation of the proposed dormer is well within the parameters.

B.2 sets out further conditions to be imposed on permitted roof extensions. B.2(a) states that external materials used for a roof extension should be of a similar appearance to those of the

existing building in order for it to qualify as permitted development. Plans accompanying the application indicate that this will be the case.

B.2(b) instructs that the edge of it closest to the eaves of the original roof shall, as far as practicable, be set at least 20cm from the eaves of the original roof. The bottom edge of the proposed dormer is to be positioned a sufficient distance above eaves height in order to address this requirement.

B.2(c) requires that any window inserted within a wall or roof slope forming a side elevation of a dwellinghouse should be obscure glazed and, where less than 1.7 metres above floor level, also be non-opening. The proposed dormer will be installed within a side roof facing roof slope and sections show that the window would be lower than 1.7 metres above floor level. However, the plans confirm that this window will be obscurely glazed and non-opening and, as such, compliant with this condition.

The proposed roof light is subject to separate criteria as it is not deemed as a roof extension but rather an alteration. This criteria is set out within The Town and Country Planning (General Permitted Development)(Amendment)(No. 2)(England) Order 2008 Article 3 Part 1 Class C.

C.1(a) prohibits any alteration that would project more than 150mm beyond the plane of the existing roof slope. Section drawing accompanying the application show that the projection of the proposed roof light is within this threshold.

C.1(b) bars any alteration that would have its highest parts projecting above the height of the existing roof. The proposed roof light is set below the roof ridge and thereby satisfies this requirement.

The Town and Country Planning (General Permitted Development)(Amendment)(No. 2)(England) Order 2008 Article 3 Part 1 prohibits the installation of any raised platform within a residential site. However, the term 'raised' is defined in the interpretation of the order, as any platform over 300mm above ground level. The proposed decking will have a maximum height of 300mm and is therefore does not constitute a raised platform.

As is the case with the proposed dormer window, the proposed roof light will be installed within a side facing roof slope and there is a similar restriction (C.2) in place with regard to obscure glazing and opening parts. Plans indicate that the roof light will be obscure glazed, in accordance with this requirement. Measurements taken from section drawings show the roof light will be installed over 1.7 metres above floor level and, as such, it would be allowed to be opening.

Finally, the proposed widening of the existing access can be undertaken is a minor operation under The Town and Country Planning (General Permitted Development) Order 1995 Schedule Part 2 (Minor Operations) Class B which allows for the formation of access from a highway that is not a trunk or classified road. The proposed widened access will be taken from an unclassified road and is therefore permitted development.

It has been demonstrated that the proposed works are compliant with relevant criteria laid out in The Town and Country Planning (General Permitted Development)(Amendment)(No. 2)(England) Order 2008 Article 3 Part 1 and The Town and Country Planning (General Permitted Development) Order 1995 Schedule Part 2. As such, the proposed works are eligible for a

Certificate of  
Lawful Development.

**RECOMMENDATION**

**PP NOT REQUIRED**

The Arun District Council hereby certify that on the 2nd of September 2013 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 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 works fall within Permitted Development Rights as set out within The Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008, Part 1 Classes A, B and C and The Town and Country Planning (General Permitted Development) Order 1995 Schedule Part 2 (Minor Operations) Class B.

**FIRST SCHEDULE**

The rear extension projects 3.95 metres from the rear elevation of the existing dwelling, is approximately 7.2 metres in width and 3.5 metres in height.

The dormer provides less than a 50 cubic metre increase in the volume of the original roof slope and will have an obscurely glazed, non-opening window.

The roof light projects less than 150mm from the plane of the roof slope and is obscurely glazed.

The proposed decking will be raised no more than 300mm above ground level.

The widened access is taken from a non-classified road.

**SECOND SCHEDULE**

32 Little Paddocks, Ferring, West Sussex, BN17 5NJ

**EXTENT OF USE**

Single-storey rear extension, provision of a dormer and roof light within the eastern roof slope, various alterations to fenestrations on the existing dwelling and the widening of an existing driveway access to the front of the dwelling.



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