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

REF NO: **FG/11/15/CLP**

LOCATION: 9 Guernsey Road
Ferring

PROPOSAL: Application for a lawful development certificate for a proposed dormer window to rear elevation.

DESCRIPTION OF APPLICATION

This application indicates a proposed rear dormer and seeks confirmation through this LDP that the dormer is permitted development and that therefore planning permission is not required.

The application form cinfirms that the CLP is sought only for the rear dormer, although the submitted drawings indicate alterations to the existing front dormer, a new front dormer and also the installation of roof lights. Planning permission has been separately sought for these elements of the works to the roof of this dwelling (FG/10/15/HH).

The dormer is to be located on the rear roof slope of the dwelling and would face towards the rear gardens of dwellings in Somerset Road to the north. It would be 11.95m in width and have a height from its foot with the roof plane of 2.3m, terminating in a flat roof. The volume would be 35.18sqm. This means that the measured volume would be 27.485 sqm, although the application drawing states a volume of 35.18 sqm.

DESCRIPTION OF SITE AND SURROUNDINGS

The application dwelling is a detached bungalow with an exisitng small dormer window serving a loft storage area. The dwelling is located within a residential area and is within an area of similar dwelling types, most of which have a single small dormers located on their front facing roof slopes.

RELEVANT SITE HISTORY

1 FG/10/15/HH - Alterations to existing south facing front dormer window, new west facing dormer in side elevation & 5 No. new velux roof lights to front & side elevations - Pending Decision

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 B, which pertains to additions or alterations to roofs which enlarge the house such as loft conversions involving dormer windows is the relevant Class.

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 extent of a rear dormer which can be formed in the rear roof slope of 9 Guernsey Road without the need to obtain planning permission is set out within Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).

The dwelling and location have already been described earlier in this report under Description of Application, above. The dormer is to be located on the rear roof slope of the dwelling and would face towards the rear gardens of dwellings in Somerset Road to the north. It would be 11.95m in width and have a height from its foot with the roof plane of 2.3m, terminating in a flat roof. The volume would be 35.18sqm. This means that the measured volume would be 27.485 sqm, although the application drawing states a volume of 35.18 sqm.

Under Class B the following limits and conditions apply:

B.1 Development is not permitted by Class B if -

(a) any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof.

(b) 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.

(c) 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.

(For the purposes of Class B "resulting roof space" means the roof space as enlarged, taking into

account any enlargement to the original roof space, whether permitted by this Class or not).

(d) it would consist of or include -
(i) the construction or provision of a veranda, balcony or raised platform, or
(ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe.

(e) the dwellinghouse is on article 1(5) land.

Class B also imposes conditions which are as follows:

(a) the materials used in any exterior work shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse

(b) the enlargement shall 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 shall, so far as practicable, be not less than 20 centimetres 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.

(c) any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse shall 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 dormer is within the limits set out in Class B as it:

1. Does not exceed the highest part of the exisitng roof.
2. Does not extend beyond a roof plane which fronts onto a public highway.
3. The cubic content does not exceed 50 cubic metres (detatched house).
4. Materials are similar to the existing dwelling.
5. The eaves are compliant with Condition b.
6. No part of the dormer extends beyond an external wall.
7. No side windows are proposed in the dormer.

In this instance, the details of the rear dormer shown therefore meet the limitations imposed by Class B and also satisfy the conditions. Planning permission is not therefore required and the rear dormer is considered to be 'Permitted Development'.

RECOMMENDATION

PP NOT REQUIRED

Planning Permission NOT Required

FG/11/15/CLP

The Arun District Council hereby certify that on 9th February 2015 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, was lawful within the meaning of section 192 of the Town & Country Planning Act 1990 by reasons of compliance with relevant criteria and conditions within Schedule 2 Part 1 Class B of the Town and Country Planning (General Permitted Development) Order 1995 (as amended)

FIRST SCHEDULE

The dormer is to be located on the rear roof slope of the dwelling and would face towards the rear gardens of dwellings in Somerset Road to the north. It would be 11.95m in width and have a height from its foot with the roof plane of 2.3m, terminating in a flat roof. The volume would be 35.18sqm. This means that the measured volume would be 27.485 sqm, although the application drawing states a volume of 35.18 sqm.

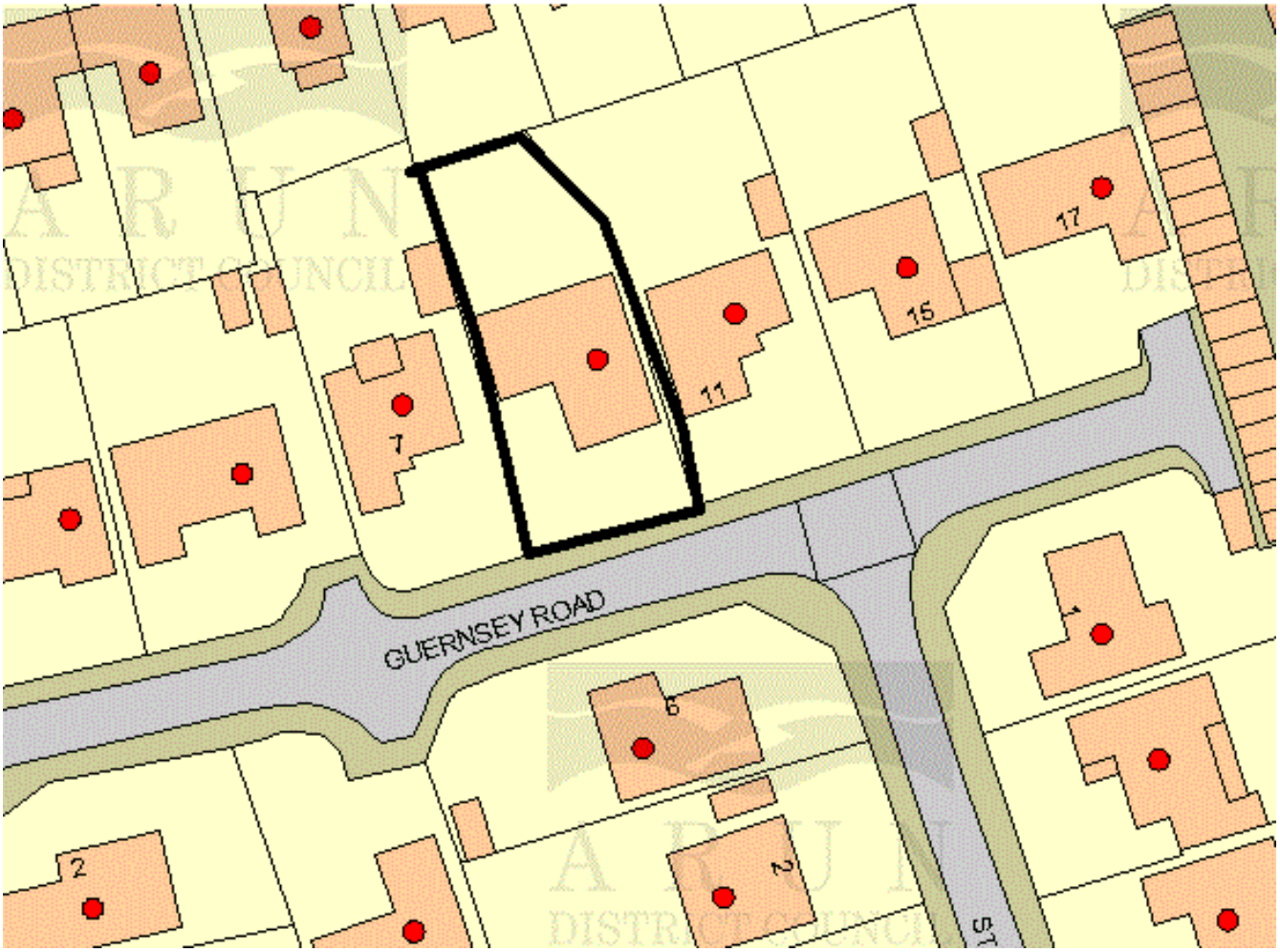
The development is for a rear dormer extension as detailed on the submitted drawings:

Location Plan 1:1250
Site Plan 1:500
Roof Plan 1:200
Ground Floor Plan Existing 1:50
First Floor Plan Existing 1:50
Elevations Existing 1:100
Sections Existing 1:50
Ground Floor Plan Proposed 1:50
First Floor plan Proposed 1:50
Elevations Proposed 1:100
Sections Proposed 1:50

SECOND SCHEDULE
A dormer on the rear roof slope of 9 Guernsey Road, Ferring, West Sussex BN12 5PN

REASONS FOR REFUSAL OR INFORMATIVE(S)

1 INFORMATIVE: For the avoidance of doubt, this decision relates on to the rear dormer indicated on the submitted application drawings and specified as being the subject of this application. It does not relate to the front dormer alterations, the new front dormer or the new rooflights also shown on the submitted drawings.



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.

cleoffrep