

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

REF NO: FG/128/19/CLP

LOCATION: 7 Greenways Crescent
Ferring
BN12 5EF

PROPOSAL: Application for certificate of lawfulness for a single storey rear extension. Dormer window to rear elevation & velux to front & rear elevations

DESCRIPTION OF APPLICATION

The application site is populated by a bungalow. The character of the locality is predominantly residential, and features properties of various designs and styles.

The application seeks a certificated of lawfulness for the construction of a single storey rear extension, dormer window to rear elevation & velux to front & rear elevations

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 A, which pertains to the enlargement, improvement, or other alterations to a dwellinghouse.
- Class B - additions etc to the roof of a dwellinghouse.
- Class C - other alterations to the roof of a dwellinghouse.

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 A - enlargement, improvement or other alteration of a dwellinghouse
Permitted Development

A. The enlargement, improvement or other alteration of a dwellinghouse.
Development not permitted

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

- (a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (changes of use);
- (b) as a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);
- (c) the height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;
- (d) the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;
- (e) the enlarged part of the dwellinghouse would extend beyond a wall which-
 - (i) forms the principal elevation of the original dwellinghouse; or
 - (ii) fronts a highway and forms a side elevation of the original dwellinghouse;
- (f) subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and-
 - (i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or
 - (ii) exceed 4 metres in height;
- (g) until 30th May 2019, for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and
 - (i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or
 - (ii) exceed 4 metres in height;
- (h) the enlarged part of the dwellinghouse would have more than a single storey and
 - (i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or
 - (ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse;
 - (ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse being enlarged which is opposite the rear wall of that dwellinghouse;

- (i) the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres;
 - (j) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would
 - (i) exceed 4 metres in height,
 - (ii) have more than a single storey, or
 - (iii) have a width greater than half the width of the original dwellinghouse; or
 - (ja) any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (e) to (j);
 - (k) it would consist of or include
 - (i) the construction or provision of a verandah, balcony or raised platform,
 - (ii) the installation, alteration or replacement of a microwave antenna,
 - (iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or
 - (iv) an alteration to any part of the roof of the dwellinghouse.
- A.2 In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if
- (a) it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;
 - (b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or
 - (c) the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse.
 - (d) any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (b) and (c).

Conditions

A.3 Development is permitted by Class A subject to the following conditions

- (a) the materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;
- (b) any upper-floor window located in 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; and
- (c) where the enlarged part of the dwellinghouse has more than a single storey, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.
- (c) where the enlarged part of the dwellinghouse has more than a single storey, or forms an upper storey on an existing enlargement of the original dwellinghouse, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.

A.4- (1) The following conditions apply to development permitted by Class A which exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g).

(2) Before beginning the development the developer must provide the following information to the local planning authority-

- (a) a written description of the proposed development including
 - (i) how far the enlarged part of the dwellinghouse extends beyond the rear wall of the original dwellinghouse;
 - (ii) the maximum height of the enlarged part of the dwellinghouse; and

- (iii) the height of the eaves of the enlarged part of the dwellinghouse;
- (iv) where the enlarged part will be joined to an existing enlargement of the dwellinghouse, the information in sub-paragraphs (i) to (iii) must be provided in respect of the total enlargement (being the enlarged part together with the existing enlargement to which it will be joined);
- (b) a plan indicating the site and showing the proposed development and any existing enlargement of the original dwellinghouse to which the enlarged part will be joined;
- (c) the addresses of any adjoining premises;
- (d) the developer's contact address; and
- (e) the developer's email address if the developer is content to receive communications electronically.
- (3) The local planning authority may refuse an application where, in the opinion of the authority
 - (a) the proposed development does not comply with, or
 - (b) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with, the conditions, limitations or restrictions applicable to development permitted by Class A which exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g).
- (4) Sub-paragraphs (5) to (7) and (9) do not apply where a local planning authority refuses an application under sub-paragraph (3) and for the purposes of section 78 (appeals) of the Act such a refusal is to be treated as a refusal of an application for approval.
- (5) The local planning authority must notify each adjoining owner or occupier about the proposed development by serving on them a notice which
 - (a) describes the proposed development, including
 - (i) how far the enlarged part of the dwellinghouse extends beyond the rear wall of the original dwellinghouse;
 - (ii) the maximum height of the enlarged part of the dwellinghouse; and
 - (iii) the height of the eaves of the enlarged part of the dwellinghouse;
 - (a) describes the development by setting out the information provided to the authority by the developer under paragraph A.4(2)(a);
 - (b) provides the address of the proposed development;
 - (c) specifies the date when the information referred to in sub-paragraph (2) was received by the local planning authority and the date when the period referred to in sub-paragraph (10)(c) would expire; and
 - (d) specifies the date (being not less than 21 days from the date of the notice) by which representations are to be received by the local planning authority.
- (6) The local planning authority must send a copy of the notice referred to in sub-paragraph (5) to the developer.
- (7) Where any owner or occupier of any adjoining premises objects to the proposed development, the prior approval of the local planning authority is required as to the impact of the proposed development on the amenity of any adjoining premises.
- (8) The local planning authority may require the developer to submit such further information regarding the proposed development as the authority may reasonably require in order to determine the application.
- (9) The local planning authority must, when considering the impact referred to in sub-paragraph
 - (a) take into account any representations made as a result of the notice given under subparagraph (5); and
 - (b) consider the amenity of all adjoining premises, not just adjoining premises which are the subject of representations.
- (10) The development must not begin before the occurrence of one of the following
 - (a) the receipt by the developer from the local planning authority of a written notice that their prior approval is not required;
 - (b) the receipt by the developer from the local planning authority of a written notice giving their prior

approval; or

(c) the expiry of 42 days following the date on which the information referred to in subparagraph (2) was received by the local planning authority without the local planning authority notifying the developer as to whether prior approval is given or refused.

(11) The development must be carried out

(a) where prior approval is required, in accordance with the details approved by the local planning authority;

(b) where prior approval is not required, or where sub-paragraph (10)(c) applies, in accordance with the information provided under sub-paragraph (2), unless the local planning authority and the developer agree otherwise in writing.

(12) The local planning authority may grant prior approval unconditionally or subject to conditions reasonably related to the impact of the proposed development on the amenity of any adjoining premises.

(13) The development must be completed on or before 30th May 2019.

(14) The developer must notify the local planning authority of the completion of the development as soon as reasonably practicable after completion.

(15) The notification referred to in sub-paragraph (14) must be in writing and must include

(a) the name of the developer;

(b) the address or location of the development, and

(c) the date of completion.

(16) When computing the number of days in sub-paragraph (5)(d), any day which is a public holiday must be disregarded.

Class B - additions etc to the roof of a dwellinghouse

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, PA 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.

Interpretation of Class B

B.3 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.

B.4 For the purposes of paragraph B.2(b)(ii), roof tiles, guttering, fascias, barge boards and other minor roof details overhanging the external wall of the original dwellinghouse are not to be considered part of the enlargement.

Class C - other alterations to the roof of a dwellinghouse Permitted development

C. Any other alteration to the roof of a dwellinghouse.
Development not permitted

C.1 Development is not permitted by Class C if

- (a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA 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.

Conditions

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 dwellinghouse 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.

RECOMMENDATION

PP NOT REQUIRED

The Arun District Council hereby certify that on 24/04/2019 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 reasons:

The proposed changes in fenestration are considered to be in accordance with Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

FIRST SCHEDULE

Proposed single storey rear extension, dormer window to rear elevation & velux to front & rear elevations.

SECOND SCHEDULE

7 Greenways Crescent, Ferring, BN12 5EF

EXTENT OF USE

The proposed development shall be carried out in accordance with the following plans:

- Site and Roof Plan
- FG/GWC/03- Proposed Plans

FG/128/19/CLP - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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