

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

REF NO: FG/25/15/CLP

LOCATION: 31 Ferring Lane
Ferring

PROPOSAL: Application for a Lawful Development Certificate for a proposed rear conservatory, extended roof area and rear covered area

DESCRIPTION OF APPLICATION

This application indicates a proposed conservatory to the rear of this dwelling and seeks confirmation through this application that the conservatory is permitted development and that therefore planning permission is not required.

The submitted drawings also indicate that the roof on the rear west corner/side of the dwelling is to be extended downwards onto part of the roof of an existing single storey element of the dwelling to form new storage space for a first floor bedroom. In addition, what appears from the drawings to be a rear covered area is to be added to the west side of the proposed conservatory.

The proposed conservatory replaces an existing smaller lean to type conservatory in a similar location. The proposed conservatory would be 5.465m wide and 3m deep. Eaves would be 2.15m and ridge would be 3.754m. The conservatory would also have a small flat roofed element on the east side. The volume of the proposed conservatory would be 38.1255sqm.

The rear covered area would be 5.947m across the rear of the dwelling and 1.3m in depth. The height would be 2.2m. The volume of the proposed walkway would be 17.00842sqm.

The extended roof area would include a side facing roof light and would extend the roof plane of the dwelling at the side downwards by 2.5m to the roof of an existing flat roofed element of the dwelling. The roof plane would be moved outwards by 2.3m and the width of the new roof plane would be 3.25m. The junction (end) of the new extended roof plane where it meets the single storey element of the dwelling would be 2.7m in height. The volume of the proposed new roof would be 10.10625sqm.

DESCRIPTION OF SITE AND SURROUNDINGS

The application dwelling is a detached chalet type dwelling with room(s) in the roof. It has an existing rear conservatory. A detached garage has been erected to the front under FG/105/84. The dwelling is located within a residential area and is within an area of mixed detached dwelling types.

RELEVANT SITE HISTORY

FG/9/70	Outline application for erection of 2 building plots and creation of 1 unit to each plot	ApproveConditionally
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		06-03-1970
FG/59/70	Garage	ApproveConditionally 10-07-1970
FG/16/71	Replacement garage	ApproveConditionally 23-04-1971
FG/140/80	Outline 2 single building plot for 2 det dwellings and convert garden store to garage	ApproveConditionally 10-12-1980
FG/105/84	Proposed detached single garage	ApproveConditionally 10-10-1984

The detached garage to the front of the dwelling was erected under FG/105/84.

REPRESENTATIONS

Representations received:

None.

Comments on Representations received:

N/A

CONSULTATIONS

Consultations responses received:

None.

Comments on Consultation responses:

N/A

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 must be assessed against criteria contained within The Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008, Part 1.

Proposed Conservatory & Covered Area

- Class A, which pertains to the enlargement, improvement, or other alterations to a dwelling.

Proposed Extension of Roof Plane

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

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 conservatory and rear covered area which can be developed to the rear of 31 Ferring Lane without the need to obtain planning permission is set out within Schedule 2, Part 1, Class A 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 proposed rear conservatory and rear walkway have also been described in terms of their dimensions and volumes.

Under Class A the following limits and conditions apply:

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

(a) 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)

(b) 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

(c) 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

(d) the enlarged part of the dwellinghouse would extend beyond a wall which -

(i) fronts a highway, and

(ii) forms either the principal elevation or a side elevation of the original dwellinghouse

(e) 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

(ea) until 30th May 2016, for a dwellinghouse not on article 1(5) 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

f) the enlarged part of the dwellinghouse would have more than one 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

(g) 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

(h) 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 one storey, or
- (iii) have a width greater than half the width of the original dwellinghouse

or

- (i) it would consist of or include -
- (i) the construction or provision of a veranda, 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 1(5) 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 one storey and extend beyond the rear wall of the original dwellinghouse

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

This condition does not apply to conservatories and therefore not to the proposed rear conservatory. It does however apply to the rear covered area.

The dwelling is not located on Article 1(5) land and the rear conservatory and rear covered area comply with the criteria set out in Class A and therefore planning permission is not required. This is subject to the use of matching materials for the rear covered area.

The extent of an extended roof area would include a side facing roof light which can be developed at 31 Ferring Lane 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).

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

B.2 Development is permitted by Class B subject to the following conditions -

(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 dwelling is not located on Article 1(5) land and the extended roof area complies with the criteria set out in Class B and therefore planning permission is not required. This is subject to the use of matching materials and the roof light being obscure glazed and non-opening.

RECOMMENDATION

PP NOT REQUIRED

Planning Permission NOT Required

The Arun District Council hereby certify that on 23rd April 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 have been lawful within the meaning of Section 192 of the Town & Country Planning Act 1990 by reason of compliance with relevant criteria within Schedule 2 Part 1 Classes A and B of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) and subject to:

1. The materials to be used in any exterior work to provide the extended roof area and the rear covered area being of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse
2. The roof light to be installed in the roof plane of the extended roof area being obscure glazed and non-opening

The conservatory is to be located to the rear of the dwelling and replaces an existing smaller lean to type conservatory in a similar location. The proposed conservatory would be 5.465m wide and 3m deep. Eaves would be 2.15m and ridge would be 3.754m. the conservatory would also have a small flat roofed element on the east side. The volume of the proposed conservatory would be approximately 38.1255sqm.

The rear covered area would be 5.947m across the rear of the dwelling and 1.3m in depth. The height would be 2.2m. The volume of the proposed walkway would be approximately 17.00842sqm.

The extended roof area would include a side facing roof light and would extend the roof plane of the dwelling at the side downwards by 2.5m to the roof of an existing flat roofed element of the dwelling. The roof plane would be moved outwards by 2.3m and the width of the new roof plane would be 3.25m. The junction (end) of the new extended roof plane where it meets the single storey element of the dwelling would be 2.7m in height. The volume of the proposed new roof would be approximately 10.10625sqm.

The development is for a rear conservatory, rear walkway and extended roof area as detailed on the submitted drawings titled:

Block & Location Plan, Revision 1 - Dated 2nd February 2015
Proposed Floor plans, Revision 2 - Dated 2nd February 2015
Proposed Elevations - Dated 2nd February 2015
Proposed Conservatory & Elevations

The rear conservatory, rear walkway and extended roof area at 31 Ferring Lane,
Ferring BN12 6QT

REASONS FOR REFUSAL OR INFORMATIVE(S)

- 1 INFORMATIVE: For the avoidance of doubt, in order to be permitted development the

following conditions must be complied with:

1. The materials to be used in any exterior work to provide the extended roof area and the rear covered area being of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse

2. The roof light to be installed in the roof plane of the extended roof area being obscure glazed and non-opening

- 2 INFORMATIVE: The submitted drawings indicate that in addition to the rear conservatory, the works also include an extended roof area and rear walkway. This application has been determined as including the extended roof area and rear walkway. The description of the application has been amended accordingly.

It should be noted that the 3 elements of the works are capable of being carried out separately, but that it will still be necessary to comply with the conditions relating to obscure glazing and materials as set out in this decision.



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