

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

REF NO: FG/56/22/CLP

LOCATION: 3 Orchard Close
Ferring
BN12 6QP

PROPOSAL: Lawful development certificate for the proposed renewal of roof with Cambrian interlocking slate tiles.

DESCRIPTION OF APPLICATION

The application seeks to renew the roof of the host dwelling with Cambrian interlocking slates.

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 C, which pertains to other alterations to the roof.

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

the proposed roof renewal is falls under Schedule 2-part 1 class C of the town and country planning (General Permitted Development) (England) Order 2015.

Class C:

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

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

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 dwelling/house 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."

The property known as 3 Orchard Close is a property and is not listed or within a conservation area.

There are no PD restrictions on this property.

The proposed re-roofing does not comply with relevant sections C.1(b) or (c) and is therefore, not considered permitted development and as such, requires the submission of an application for full planning permission.

RECOMMENDATION

PP REQUIRED

The Arun District Council hereby certify that on 12/05/22 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, was not lawful within the meaning of section 192 of the Town & Country Planning Act 1990 by reason of non-compliance with the relevant criteria within Schedule 2 Part 1 Class C of the Town and Country Planning (General Permitted Development) (England) Order 2015.

FIRST SCHEDULE

The proposed roof renewal is not considered to fall under Schedule 2 Part 1 of the GDPO.

SECOND SCHEDULE

3 Orchard Close, Ferring, West Sussex, BN12 6QP.

EXTENT OF USE

Renewal of the existing roof with various thermal and weather-proofing layers, topped with Cambrian interlocking slates that result in a roof height increase of 0.16m.

FG/56/22/CLP - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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