

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

REF NO: FG/79/18/CLP

LOCATION: 16 Downview Avenue
Ferring

PROPOSAL: Lawful development certificate for a proposed loft conversion

DESCRIPTION OF APPLICATION

The application seeks a lawful development certificate for a loft conversion, this room is created through the creation of a large rear dormer.

DESCRIPTION OF SITE AND SURROUNDINGS

The site is a brick-built bungalow with tile roofing. The area is populated by a mix of housing styles and types.

RELEVANT SITE HISTORY

None.

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 will be assessed against the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2015 (as amended).

- Class B, which related to the enlargement of a dwellinghouse consisting of an addition or alteration to its roof.
- Class C, which relates to 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.

CONCLUSIONS

The Town and Country (General Permitted Development) Order 2015 under Schedule 2, Part 1, Class B and Schedule 2, Part 1, Class C prescribe the degree of works which can be under taken in relation to the enlargement of the dwelling house consisting of an addition or alteration to its roof and any other alterations to the roof of a dwellinghouse. Therefore, the proposed roof lights on the front, and rear dormer must comply with the limitations in these sections of the General Permitted Development Order.

CLASS B - REAR DORMER

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 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.

CLASS C - ROOFLIGHTS

Class C, C.1 (a) cannot be applied in this instance as the dwellinghouse has not been the subject of a change of use under Class M, N, P or Q of Part 3 of the Town and Country (General Permitted Development) Order 2015.

Class C, C.1 (b) states that the alteration would not protrude more than 0.15m beyond the plane of the roof slope of the original roof. The proposed roof lights will comply with this limitation.

Class C, C.1 (c) the proposed roof lights are not higher than the highest part of the original roof.

Class C, C.1 (d) (i) and (ii) relates to the installation, alteration or replacement of a chimney, flue, soil or vent pipe, solar photovoltaic or solar thermal equipment and is not relevant to the determination of this application.

Class C, C.2 (a) and (b) relates to windows situated upon the side elevation of a dwellinghouse and is not relevant to the determination of this application, as there are no new windows on the side elevations of the property.

MATERIALS

The submitted plans contain a note to say that the materials are to match existing.

SUMMARY

The property at 16 Down view Road is not a listed building nor is it in a conservation area and looking at the history of the site it does not appear that there are any restrictions that would oppose the development. Therefore, it is considered that the proposed rear dormer is the subject of the lawful development certificate would benefit from permitted development rights under Schedule 2, Part 1, Class B of The Town and Country (General Permitted Development) Order 2015 (as amended) and the proposed rooflights would benefit from permitted development rights under Schedule 2, Part 1, Class C of The Town and Country (General Permitted Development) Order 2015 (as amended)

RECOMMENDATION

PP NOT REQUIRED

The Arun District Council hereby certify that on 18-04-2018 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 reason:

The proposed development will accord with the limitations of Schedule 2, Part 1, Classes B and C of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

FIRST SCHEDULE

the conversion of the loft with the addition of a rear dormer and 2No. rooflights.

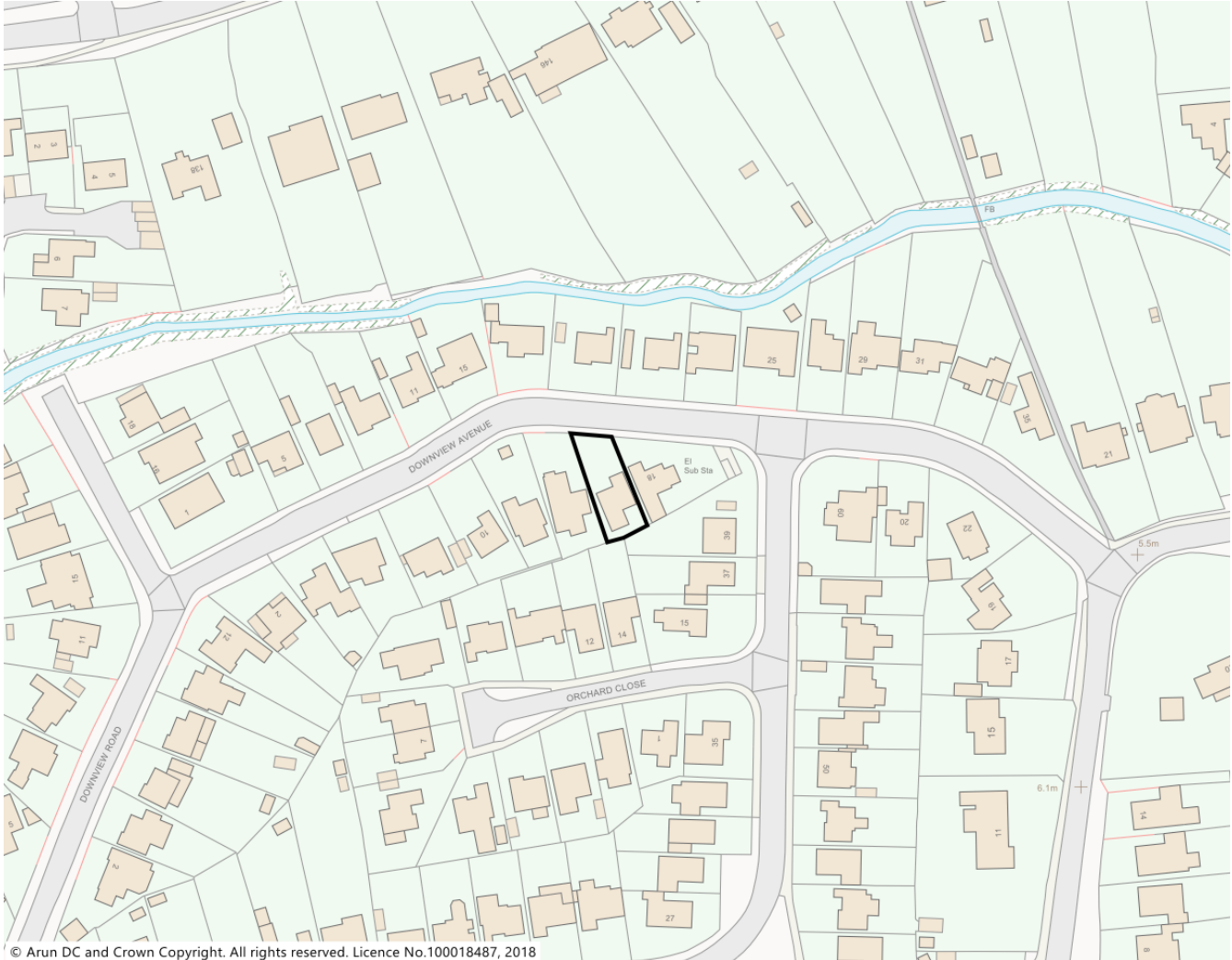
SECOND SCHEDULE

16 Downview Road, Ferring, BN12 6QN.

EXTENT OF USE

The conversion of the loft through the creation of a rear dormer, and addition of rooflights, in accordance with the following plans:

- Proposed Plans & Elevations - 1391 / PL01 - April 2018
- Volume Calculations - Existing & Proposed Roof - 1391 / VC01 - April 2018



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