

CERTIFICATE OF LAWFUL PROPOSED DEVELOPMENT REPORT

REF NO: FN/77/10/CLP

LOCATION: Glenthorn
Findon Road
Findon

PROPOSAL: Certificate of Lawfulness for a proposed use - side dormers

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The proposed dormers are of equal size, measuring 7.2 metres in length by 2 metres in width at the top, being flush with the roof slope at the bottom, and 2.5 metres in height. Both dormers feature two side facing windows. Additionally, two new windows will be formed at first floor height on the rear elevation.
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	N/A
SITE CHARACTERISTICS	The site is occupied by a detached 1½ storey dwelling that has red/brown brick elevation walls and a tiled gable roof. No significant alterations or additions have been made to the original dwelling.
CHARACTER OF LOCALITY	The site is located on a main road which is lined by clusters of residential dwellings that are predominantly detached and are of a mixture of designs and scales.

RELEVANT SITE HISTORY

None.

REPRESENTATIONS

Representations received:

None.

Comments on Representations received:

None.

CONSULTATIONS

Consultations responses received:

None.

Comments on Consultation responses:

None.

DEVELOPMENT PLAN AND/OR 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.

Section 191 to 195 Town & country Planning Act 1990 and DOE Circular 10/97 Annex 8 have the effect of requiring these applications to be determined having regard only to the evidence adduced and not planning policy.

In this instance, the proposal will be assessed against the criteria of The Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008, Part 1, Class B - The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with legislative background.

CONCLUSIONS

The proposed dormers will have a cubic volume of approximately 42.2 cubic metres and, as the original has thus far not been enlarged, this would be within the permitted allowance for an increase in roof volume of 50 cubic metres for a terraced dwelling, as set out in The Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008, Part 1, Class B.1(c). The dormers also comply with other relevant criteria in Class B.1 in that they will not extend above the height of the existing roof line and, as they are side dormers, they would not extend beyond the plane of a roof slope facing a highway.

Further, the proposed dormer windows, although on an upper floor and facing to the side, would be permitted development as they would be obscure glazed and fixed shut up to 1.7 metres above floor level, in accordance with The Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008, Part 1, Class B.2(c).

However, the site is located within the South Downs National Park which is designated as Article 1(5) Land. Class B.1(e) of the Permitted Development Order states that class B works; of which the proposed dormers are an example, do not have Permitted Development rights when being undertaken on a site on Article 1(5) land.

The proposed dormers would therefore require planning permission.

RECOMMENDATION

PLANNING PERMISSION REQUIRED

- 1 The property is within the South Downs National Park and, therefore, on Article 1(5) land where Permitted Development rights for roof dormers are not applicable, as per The Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008, Part 1, Class B.1(e).