

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

REF NO: FP/181/21/CLP

LOCATION: 1 Sunnyside Cottages
Flax Mean
Felpham
PO22 8RB

PROPOSAL: Lawful development for a proposed loft conversion and flat roof dormer to the rear elevation of the property.

DESCRIPTION OF APPLICATION

The application seeks to covert part of the loft to form habitable accommodation with the addition of a rear dormer.

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) (England) Order 2015 (as amended).

Class B - additions etc. 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

The proposed rear dormer is considered to fall under Schedule 2 Part 1 Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Class B - additions etc. to the roof of a dwellinghouse

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 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.
- land.; or
- (g) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).

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.

The property known as 1 Sunnyside Cottages is a semi detached property and is not listed or in a conservation area.

Examination of the site history has revealed a condition on the original permission under FP/114/87 which states' No windows other than those shown on the plans hereby approved shall be constructed at first floor level in the south, east and west elevations of the building without the prior permission of the Local Planning Authority on an application in that behalf.'

As such this restricts the installation of a dormer window under permitted development and consequently requires the submission of an application for full planning permission.

RECOMMENDATION

PP REQUIRED

The Arun District Council hereby certify that on 23rd August 2021, 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 for the following reasons.

- A condition on the original permission FP/114/87 restricts the addition of a window to the southern elevation without prior consent from the LPA.

FIRST SCHEDULE

The development proposed is shown on the following plans:

- Location and Block Plan**
- Existing and Proposed Elevations - BSB/21/890/2/A/**
- Existing and Proposed Floor Plan - BSB/21/890/1**

SECOND SCHEDULE

1 Sunnyside Cottages, Flax Mead, Felpham, West Sussex, PO22 8RB

EXTENT OF USE

Construction of a rear dormer with a height of 2.4m, depth of 3.5m and a length of 3m.

FP/181/21/CLP - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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