

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

REF NO: FP/41/13/CLP

LOCATION: 15 Gorse Avenue
Felpham

PROPOSAL: Application for a Lawful Development Certificate for a proposed single storey extension and loft conversion to include rear dormer

DESCRIPTION OF APPLICATION

The application seeks a Certificate of Lawfulness for a single storey extension and loft conversion to include a rear dormer.

DESCRIPTION OF SITE AND SURROUNDINGS

The application property is a semi-detached bungalow with pitch, gabled roof, faced in white render. The property is located in a residential cul-de-sac of semi-detached bungalows and two storey dwellings of similar character and design.

RELEVANT SITE HISTORY

REPRESENTATIONS

Representations received:

N/A

Comments on Representations received:

N/A

CONSULTATIONS

Planning Solicitor

Consultations responses received:

N/A

Comments on Consultation responses:

N/A

LEGISLATIVE BACKGROUND

Section 192(2) of the Town and Country Planning Act states:-

If, on an application under this section, the local planning authority is provided with information satisfying them that the use or operations described in this 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 case they shall refuse the application.

CONCLUSIONS

The application seeks a Certificate of Lawfulness for a single storey extension and a loft conversion to include rear dormer.

The single storey extension would measure 2.85 metres in width, 3 metres in depth and 2.5 metres in height. It falls under Class A of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 in that it relates to the 'enlargement, improvement or other alteration of a dwellinghouse'.

Class A.1 (e) states that development is not permitted if 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.

Class A.1 (g) states that development is not permitted if 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.

The extension would measure 3 metres in depth from the rear wall of the original dwelling and would abut the side boundary adjoining no. 17 Gorse Avenue. It would measure 2.5 metres in height. It complies with the above sections of the GPDO and is deemed to be permitted development, and does not require planning permission.

In relation to the proposed flat roof rear dormer, this falls under Class B of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 in that it relates to 'the enlargement of a dwellinghouse consisting of an alteration to its roof'.

Class B.1 states that 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 roofslope which forms the principal elevation of the dwellinghouse and fronts a highway;
- c) the cubic content of the roof space would exceed the cubic content of the original roofspace by more than -
 - i) 40 cubic metres in the case of a terrace house, or
 - ii) 50 cubic metres in any other case.

The dormer would be located on the rear roofslope and would not exceed the height of the highest part of the roof. It would have a cubic volume of 45 cubic metres.

Class B. 2 states that development is permitted by Class B subject to the following conditions-

- a) the external materials shall be of similar appearance to the exterior of the dwellinghouse;
- b) other than a hip to gable enlargement, the edge of the enlargement closest to the eaves shall be not less than 20 cms from the eaves of the original roof.

The dormer would be faced in plain tile hanging to match the existing roof and the edge of the enlargement would be 20 cms from eaves level.

It complies with the above sections of the GPDO and is deemed to be permitted development,

and does not therefore require planning permission.

SUMMARY

In summary, the proposed works are considered to comply with Class A.1 (e) and (g), and Class B.1 (c) of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 and are thereby deemed to be permitted development.

RECOMMENDATION

PP NOT REQUIRED

The Arun District Council hereby certify that on 15 March 2013 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 lawful within the meaning of section 192 of the Town & Country Planning Act 1990 for the following reasons:-

The single storey rear extension as proposed falls under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 in that it relates to the enlargement, improvement or other alteration of a dwellinghouse.

Section e) the enlarged part of the dwellinghouse would have a single storey and extend beyond the rear wall of the original dwellinghouse by not more than 3 metres.

Section 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 not exceed 3 metres.

The flat roof rear dormer as proposed falls under Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 in that it relates to the enlargement of a dwellinghouse consisting of an addition or alteration to its roof.

Section c) the cubic volume of the resultant roofspace would not exceed 50 cubic metres.

FIRST SCHEDULE

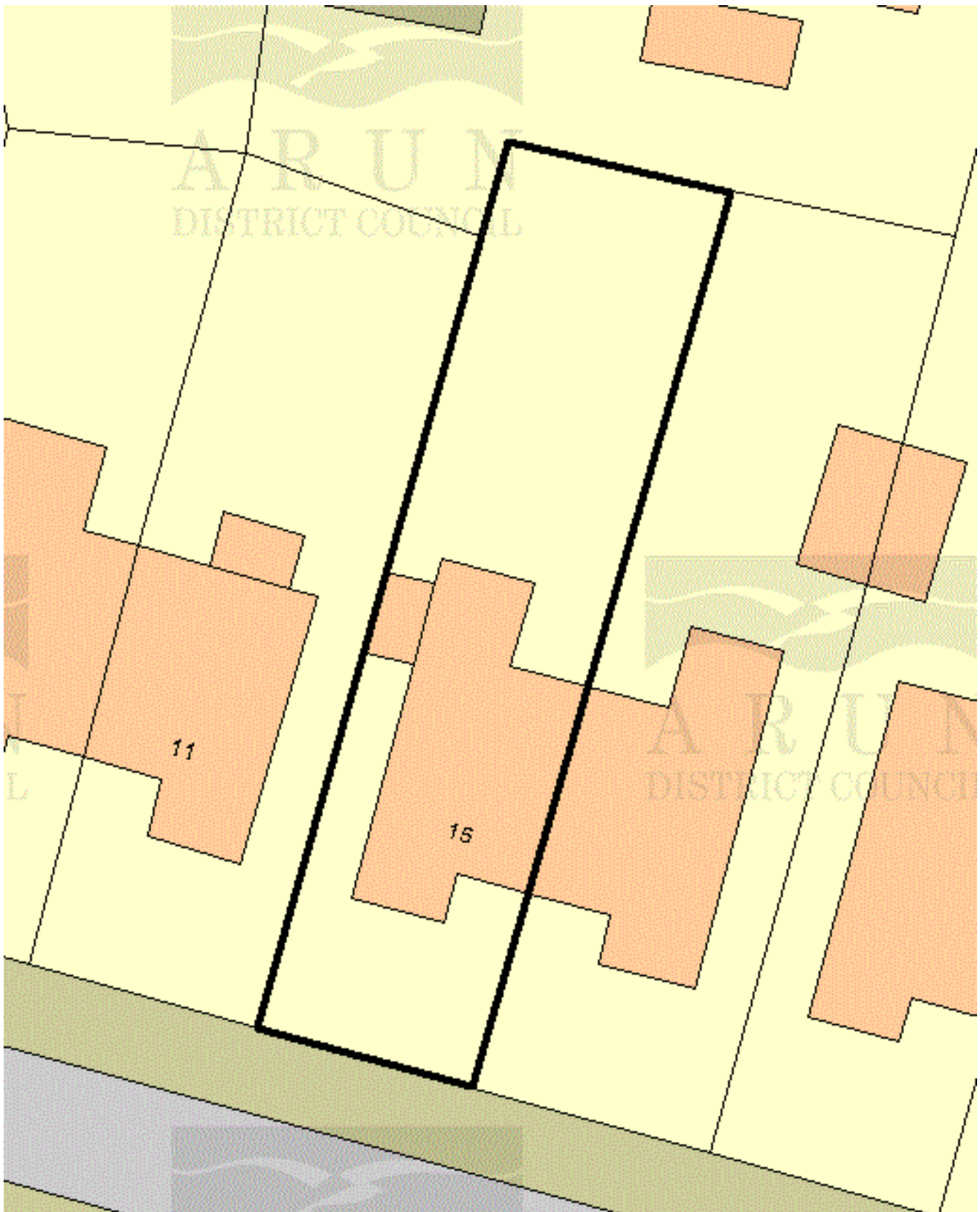
The development proposed is for a single storey extension on the rear elevation of the dwellinghouse and flat roof dormer sited on the rear roofslope as detailed in the plans submitted.

SECOND SCHEDULE

15 Gorse Avenue, Felpham, West Sussex, PO22 6AY

EXTENT OF USE

The single storey rear extension measures 2.85 metres in width, 3 metres in depth and 2.5 metres in height. The rear dormer measures 2.5 metres in height, 3.1 metres in depth and 5.9 metres in width.



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