

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

REF NO: K/16/22/CLP

LOCATION: 43 Golden Avenue
East Preston
BN16 1QX

PROPOSAL: Lawful development for the proposed construction of a rear dormer to enlarge the existing study area.

DESCRIPTION OF APPLICATION

Installation of 1 No. central rear dormer that is approx. 4.4m in width, 3.5m in depth and 3.1m in height.

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 B, which pertains to additions 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 central 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 dwelling/house

The enlargement of a dwelling/house 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 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) any part of the dwelling/house would, as a result of the works, exceed the height of the highest part of the existing roof;
- (c) any part of the dwelling/house would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwelling/house 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 veranda, balcony or raised platform, or
 - (ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe; or
- (f) the dwelling/house is on article 2(3) land.

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 dwelling/house;
- (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 dwelling/house; and
- (c) any window inserted on a wall or roof slope forming a side elevation of the dwelling/house 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 43 Golden Avenue homes a 2 storey detached dwelling with a loft conversion and is not listed or within a conservation area. The proposed extension would be of materials to match

that of the existing.

Write there are no PD restrictions relevant to this proposal.

The proposed central rear dormer complies with relevant sections Class B.1 (b)(dii)(e) & B.2 (a)(biaa)(bibb)(bii) and is considered permitted development. As such, it does not require the submission of an application for full planning permission.

RECOMMENDATION

PP NOT REQUIRED

The Arun District Council hereby certify that on the 14th of June 2022 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 lawful within the meaning of section 192 of the Town & Country Planning Act 1990 by reason of compliance with the relevant criteria within Schedule 2 Part 1 Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015.

FIRST SCHEDULE

The proposed central rear dormer is considered to fall under Schedule 2 Part 1 of the GDPO.

The development hereby approved shall be carried out in accordance with the following approved plans:

- Proposed Elevations Dwg No 05-22 GA Ph.
- Proposed Second Floor and Roof Plan Dwg No 05-22 GA Pg.
- Location Plan and Existing & Proposed Block Plan Dwg No 05-22 GA Pl.

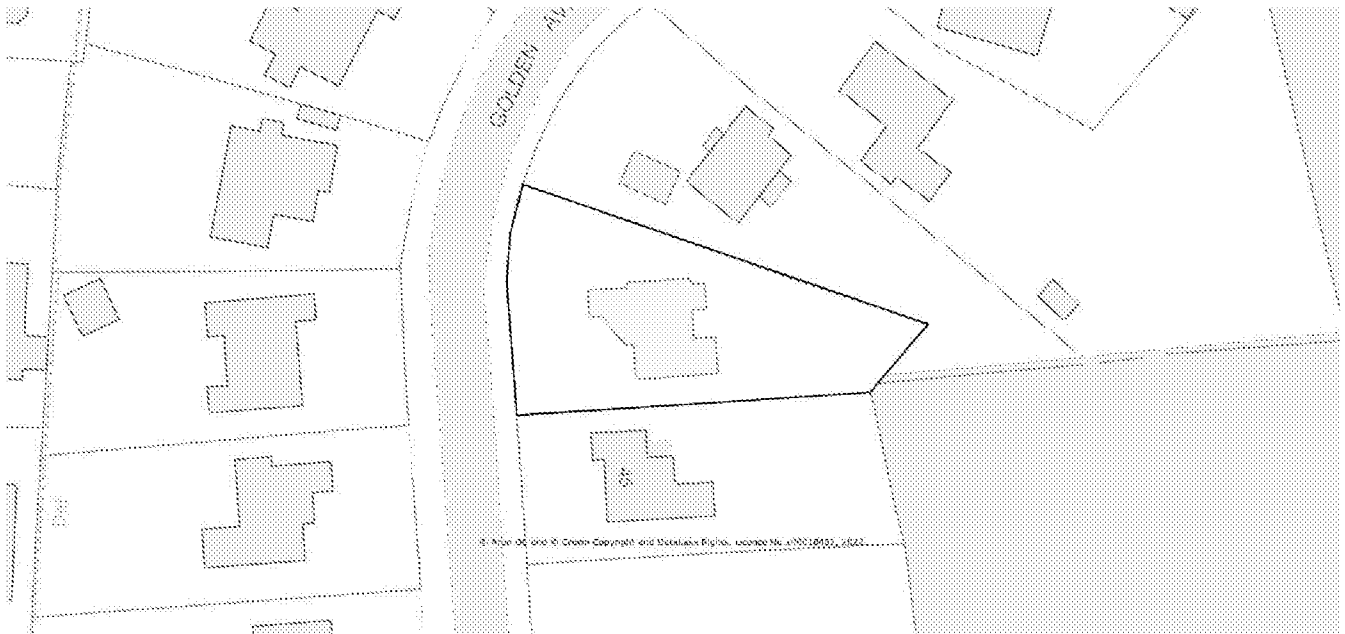
SECOND SCHEDULE

43 Golden Avenue, East Preston, West Sussex, BN16 1QX.

EXTENT OF USE

1 No. Pitched roof central rear dormer with associated Juliet balcony. The dormer is to be approx. 4.4m in width, 3.5m in depth and 3.1m in height.

K/16/22/CLP - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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