

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

REF NO: LU/114/21/CLP

LOCATION: Apple Tree Cottage
Toddington Lane
Littlehampton
BN17 6JX

PROPOSAL: Lawful development certificate for a proposed new timber dormer to replace existing brick dormer to rear of property on first floor.

DESCRIPTION OF APPLICATION

This application seeks to construct a rear box dormer measuring approximately 7.4m in width by 2.6m in height.

RELEVANT SITE HISTORY

LU/240/17/NMA	Application for a non-material amendment following a grant of LU/364/16/HH to raise roof height by 350mm on side extension and ground floor west elevation to be clad with a cement board in the same style as the rest of the house to match in colour to the cedar cladding .	Approve 13-09-17
LU/364/16/HH	Side extension & rear loft dormer	ApproveConditionally 03-02-17
LU/144/08/	Re-siting of garage to include altering existing vehicular access	ApproveConditionally 16-07-08

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, which pertains to additions 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 rear box dormer extension 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.

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 Apple Tree Cottage is a detached property and is not listed or within a conservation area. The proposed extension would be of materials to match that of the existing.

When investigating the sites history Permitted Development restrictions were found only to apply to the garage on site, the house has no restrictions in place.

The rear box dormer does not comply with relevant sections B.2 (aa) and (bb) due to the removal of the original eaves line and the edge of the dormer being within 200mm of the edge of the roof, and is not considered permitted development and as such does require the submission of an application for full planning permission.

RECOMMENDATION

PP REQUIRED

The Arun District Council hereby certify that on 7th April 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 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 box dormer is not considered to fall under Schedule 2 Part 1 of the GDPO.
The works are detailed on the following plans;**

- Proposed floor plans**
- Existing and Proposed North Elevation**
- Existing and Proposed South Elevation**
- Existing and Proposed West Elevation**
- Existing and Proposed East Elevation**
- Location and Block Plan**

SECOND SCHEDULE

Apple Tree Cottage, Toddington Lane, Littlehampton

EXTENT OF USE

Rear Box dormer measuring approximately 7.4m in width by 2.6m in height, springing from the outside skin of the north elevation, containing 2 obscure glazed windows.

