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

REF NO: LU/199/26/CLP

LOCATION: 111 Oakcroft Gardens
Littlehampton
BN17 6LU

PROPOSAL: Application for certificate of lawfulness for a proposed loft conversion including rear dormer and roof lights.

DESCRIPTION OF APPLICATION

This application seeks a lawful development certificate for a proposed loft conversion including rear dormer and roof lights.

RELEVANT SITE HISTORY

REPRESENTATIONS

Representations Received:

Littlehampton Town Council - No objection.

Comments on Representations Received:

Comments noted.

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 the enlargement of a dwellinghouse consisting of an addition or alteration to its roof.
- Class C, which pertains to any other alteration 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 loft conversion including rear dormer and roof lights is considered to fall under Schedule 2, Part 1, Classes B and C of the Town and Country Planning (General Permitted Development) (England) Order 2015.

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 G, M, MA, N, P, PA 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.; or
(g) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).;
or
(h) the existing dwellinghouse has been enlarged in reliance on the permission granted by Class AA (enlargement of a dwellinghouse by construction of additional storeys).

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.

C.1 Development is not permitted by Class C if-
(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class G, M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use);
(b) the alteration would protrude more than 0.15 metres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof;
(c) it would result in the highest part of the alteration being higher than the highest part of the original roof; or
(d) it would consist of or include-
(i) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or
(ii) the installation, alteration or replacement of solar photovoltaics or solar thermal equipment.; or
(e) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses

Conditions
C.2 Development is permitted by Class C subject to the condition that any window located on a roof slope forming a side elevation of the dwellinghouse must be-
(a) obscure-glazed; and
(b) 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 111 Oakcroft Gardens is a semi-detached bungalow and is neither listed nor within a conservation area. The external materials and finishes would match the existing dwelling.

There are no permitted development restrictions upon this property.

The proposed loft conversion including rear dormer and roof lights complies with relevant sections of Schedule 2, Part 1, Classes B and C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). It is considered to be permitted development and as such 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 1 September 2026 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, would have been 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, Classes B and C of the Town and Country Planning (General Permitted Development) (England) Order 2015.

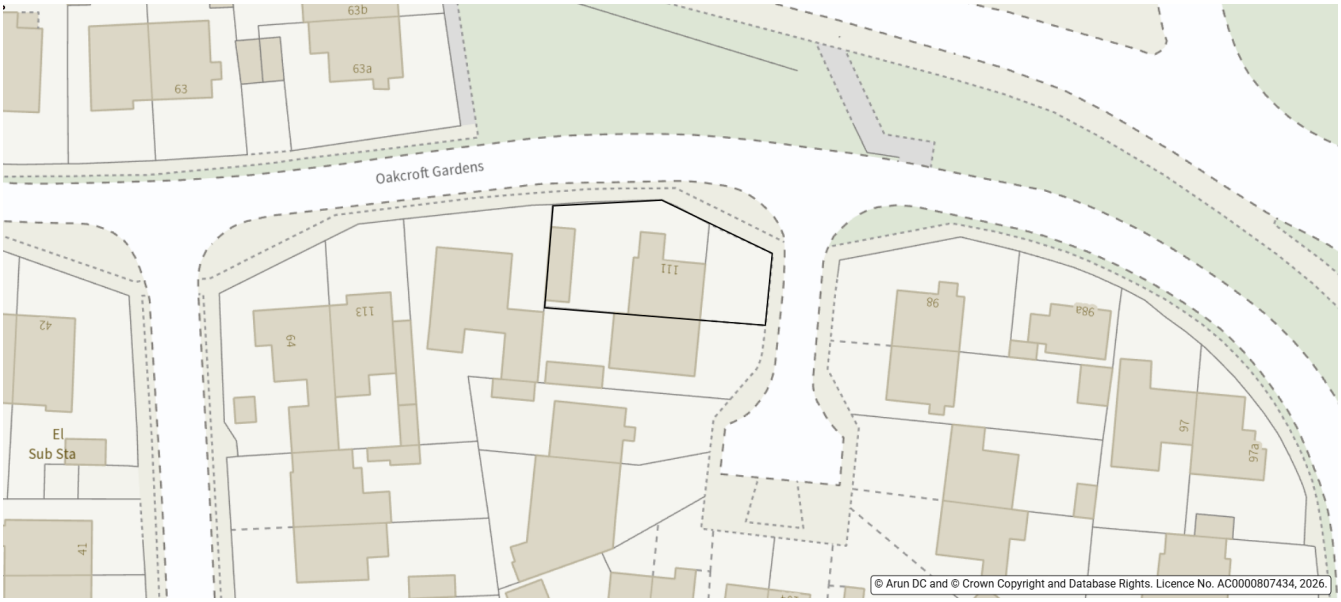
FIRST SCHEDULE

The proposed loft conversion including rear dormer and roof lights as shown on the following plans:
- Location Plan, Block Plan, Existing Floor Plans, Roof Plan and Elevations Drg no. 2026/138
- Proposed Floor Plans, Roof Plan and Elevations Drg no. 2026/138

SECOND SCHEDULE
111 Oakcroft Gardens, Littlehampton, BN17 6LU.

EXTENT OF USE
Lawful development certificate for a loft conversion including rear dormer measuring approximately 6.3m wide by 3.5m deep by 2.3m in height and four roof lights to the front roof slope.

LU/199/26/CLP - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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