

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

REF NO: LU/273/18/CLP

LOCATION: 9 Rosemead
Littlehampton

PROPOSAL: Lawful development certificate for a proposed rear dormer window, with Juliet Balcony, No.2 Velux windows to the principle roof elevation and proposed no.1 side window

DESCRIPTION OF APPLICATION

The application seeks a lawful development certificate for a full rear dormer window.

DESCRIPTION OF SITE AND SURROUNDINGS

The application site is occupied by a semi-detached with an existing porch and rear conservatory.

RELEVANT SITE HISTORY

Planning permission was granted under reference .

REPRESENTATIONS

Representations received:

None received.

Comments on Representations received:

N/A

CONSULTATIONS

Consultations responses received:

None received.

Comments on Consultation responses:

N/A

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 2 criteria contained within The Town and Country Planning (General Permitted Development) Order 2015 (as amended) under Schedule 2, Part 1, Class B & C which pertains to the enlargement of a dwellinghouse consisting

of an addition or alteration to its roof & any other alterations 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.

CONCLUSIONS

The Town and Country (General Permitted Development) Order 2015 under Schedule 2, Part 1, Class B & C prescribes the degree of works in relation to the enlargement of a dwellinghouse consisting of an addition/alteration or other alterations to its roof that can be undertaken without the need to apply for Planning Permission. The proposed dormer window and Juliet Balcony, x2 Velux windows to the principle roof elevation & window to the side elevation. The subject of this application will therefore be assessed against the criteria contained within this part of the order.

Schedule 2, Part 1, Class B states:

"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, 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; -

(N/A)

(the dormer would not exceed the height of the highest part of the 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;

(The works would not front 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;

(The cubic content of the roof as proposed would measure 22.52m³, and therefore would not exceed 50 cubic metres as above)

(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

(the rear elevation would include a Juliet balcony, this is considered as an acceptable form of balcony under the technical guidance)

(f) the dwellinghouse is on article 2(3) land.

(NA)

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;

(the material finishes as listed on plan 4A, are considered as similar in appearance to the existing dwelling ; windows material & Cladding)

(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

(the eaves of the original roof are maintained at approx 0.4m)

(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

(N/A)

(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 side window would be finished with obscure glass and fixed shut as confirmed on Plan 04A)

The 'Permitted development rights for householders - Technical Guidance' states that for the purposes of Class B "resulting roof space" means the roof space as enlarged, taking into account any enlargement to the original roof space, whether permitted by this Class or not. It provides further clarity by stating that any previous enlargement to the original roof space in any part of the house must be included in this volume allowance.

Schedule 2, Part 1, Class C states:

Development is not permitted by Class C if

(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;

(the Velux windows would not project beyond 0.15m above the plane of the principle roof slope)

ASSESSMENT

The proposed development satisfies the criteria and conditions set out with Class B & C.

The site is not located on article 2(3) land and is not a Listed Building.

There is no restriction on permitted development rights by means of a condition or Direction.

The proposed development is therefore considered to accord with the limitations of Schedule 2, Part 1, Class B & C, of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) and is considered to be 'permitted development', as such this proposal does not require an application for planning permission.

RECOMMENDATION

PP NOT REQUIRED

The Arun District Council hereby certify that on 1st October 2018, 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, is lawful within the meaning of section 192 of the Town & Country Planning Act 1990 for the following reasons:-

The proposed development would accord with the limitations of Schedule 2, Part 1, Class B & C of the Town and Country Planning (General Permitted Development) Order 2015 (as amended)

FIRST SCHEDULE

Construction of a first floor rear dormer extension with dimensions of approximately 4.95m x 2.1m x 5m and a cubic content of 22.52m³.

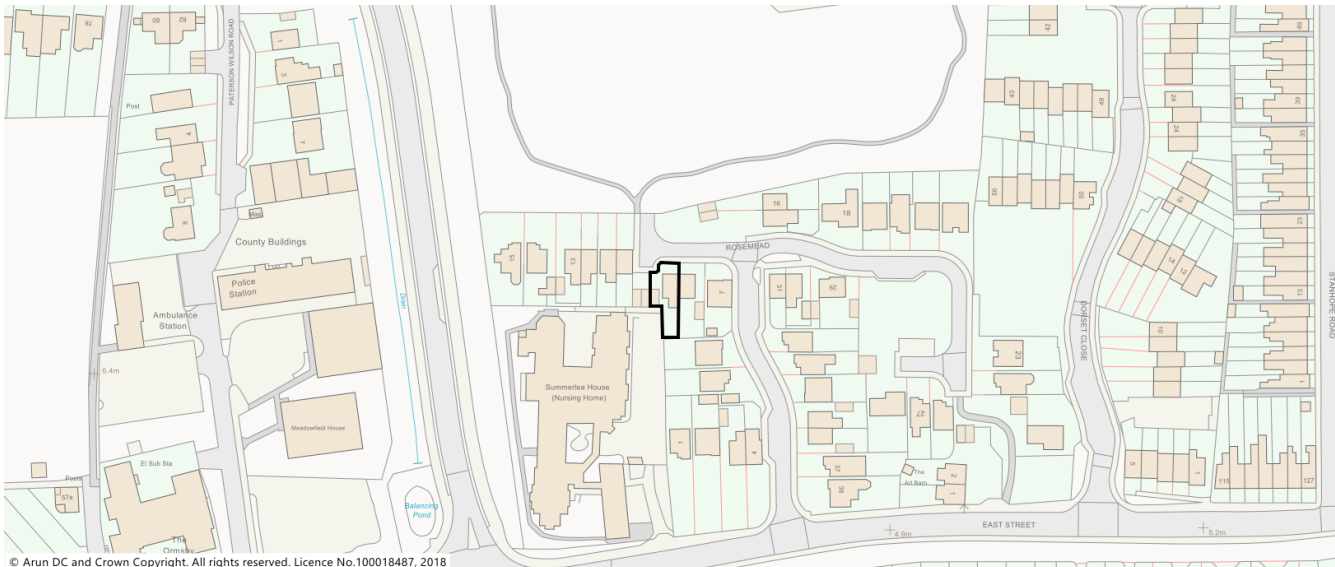
SECOND SCHEDULE

9 Rosemead, Littlehampton, BN17 6UH.

EXTENT OF USE

Construction of a rear dormer window, with Juliet Balcony, No.2 Velux windows to the principle roof elevation and proposed no.1 side window would be in accordance with:-

- Block Plan & Roof Plan as proposed;
- Existing floor plan 01.
- Existing cross section and elevations 02
- Proposed floor plans 03
- Proposed cross section and elevations 04



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