

CERTIFICATE OF LAWFUL PROPOSED DEVELOPMENT REPORT

REF NO: LU/280/11/CLP

LOCATION: 12 Peregrine Road
Littlehampton

PROPOSAL: Application for a Certificate of Lawfulness for a proposed roof conversion with full width rear dormer

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposed loft conversion includes 6No. roof lights to the front roof slope and a large flat roof dormer extending across the width of the rear roof slope with a central gable projection. The dormer will incorporate 4No. windows and a central 'Juliet' style balcony in the gabled section. The dormer will measure approximately 12.65m in width x 3.2m in overall depth x 2.5m in height.
SITE AREA	Approx. 985sqm.
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Brick wall to front, approx. 800mm in height. Timber fencing enclosing rear.
SITE CHARACTERISTICS	Detached 2 storey dwelling, red brick elevations and gable red tiled roof. Detached double garage to east side and single storey annexe to west side. Glazed conservatory to rear.
CHARACTER OF LOCALITY	Residential, predominantly detached 2 storey dwellings.

RELEVANT SITE HISTORY

LU/411/03/	Extension to existing proch	Approve Cond 05-12-2003
LU/201/05/	Conservatory.	Approve Cond 30-08-2005
LU/519/82	Single storey granny annexe extension	Approve Cond 02-02-1983

REPRESENTATIONS

Representations received:

None

Comments on Representations received:

None

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

None

DEVELOPMENT PLAN AND/OR 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.

Principle

Section 191 to 195 Town & country Planning Act 1990 and DOE Circular 10/97 Annex 8 have the effect of requiring these applications to be determined having regard only to the evidence adduced and not planning policy.

(i)What is judged on a balance of probability.

(ii)The onus of proof is on the applicant (and not the LPA) to adduce the evidence.

(iii)The LPA may have on its files relevant evidence either supporting or contradicting that of the applicant.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

This application seeks a Certificate of Lawfulness for a proposed loft conversion and dormer roof extension at 12 Peregrine Road, Littlehampton.

The proposed Development is considered to be permitted development by virtue of Part 1 (Development within the curtilage of a dwellinghouse) Class B of the Town and Country (General Permitted Development)(Amendment)(No.2)(England) Order 2008 which 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;

The flat roof sections of the rear dormer would be set below the ridge height of the existing roof and the gable section would be matching in height. As such the proposal complies with Part a.

(b) 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 proposed projections from the roof slope would be to the rear elevation, therefore compliant with part b.

(c) 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 dwelling is a detached property with the proposed dormer resulting in an addition to the roof space of 47 cubic metres, therefore falling within the above requirements of part c.

(d) 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
- (e) the dwellinghouse is on article 1(5) land.

The proposal is also compliant with part d given the form of development.

The proposed development would also comply with the Conditions of development within Class B.2 of the Order.

As the proposed roof extension is compliant with the above, it is considered that the proposed development as submitted would be 'Permitted Development' by virtue of the above Order.

RECOMMENDATION

PLANNING PERMISSION NOT REQUIRED

- 1 The Arun District Council hereby certify that on the 6th October 2011 the use hereby described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged boldly on the plan attached to this certificate was lawful within the meaning of section 191 of the Town and Country Planning Act 1990 (as amended), for the following reason:

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;

The flat roof sections of the rear dormer would be set below the ridge height of the existing roof and the gable section would be matching in height. As such the proposal complies with Part a.

(b) 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 proposed projections from the roof slope would be to the rear elevation, therefore compliant with part b.

(c) 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
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The dwelling is a detached property with the proposed dormer resulting in an addition to the roof space of 47 cubic metres, therefore falling within the above requirements of part c.

(d) 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
- (e) the dwellinghouse is on article 1(5) land.

The proposal is also compliant with part d given the form of development.

The proposed development would also comply with the Conditions of development within Class B.2 of the Order.

- 2 The 'development' proposed is for a dormer roof extension to the rear roof slope as detailed in the plans as submitted with the application.
- 3 The dormer will measure approximately 12.65m in width x 3.2m in overall depth x 2.5m in height.
- 4 12 Peregrine Road, Littlehampton, West Sussex, BN17 6DT