

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

**REF NO:** LU/48/13/CLP

**LOCATION:** 35 Grove Crescent  
Littlehampton

**PROPOSAL:** Application for certificate of lawfulness for proposed removal of hipped roof and replacement with gable end and extension of dormer at first floor level

**DESCRIPTION OF APPLICATION**

Hip to gable roof extension: 4.1m wide x 2.7m high x 8.35m deep totalling 15.4 cubic metres. Extension to existing dormer. New dormer will be 7.8m wide x 1.65m high x 2.7m deep totalling 17.4 cubic metres. Two new roof lights to front elevation.

**DESCRIPTION OF SITE AND SURROUNDINGS**

Single storey end terrace dwelling.

**RELEVANT SITE HISTORY**

**REPRESENTATIONS**

**Representations received:**

**Comments on Representations received:**

**CONSULTATIONS**

Planning Solicitor

**Consultations responses received:**

**Comments on Consultation responses:**

**LEGISLATIVE BACKGROUND**

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.

**CONCLUSIONS**

The application seeks a Certificate of Proposed Lawfulness for an addition and alteration to a roof.

The proposed roof enlargement and extension is considered to fall under Classes B and C of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order in that it relates to 'The enlargement of a dwellinghouse consisting of an addition or

alteration to its roof' for the dormer and hip-to-gable extension and 'any other alteration to the roof of a dwellinghouse' for the roof lights.

Class B.1 states that development is not permitted by Class B if:-

- a) any part of the development would, as a result of the works, exceed the height of the highest part of the existing roof;
- b) any part of the dwellinghouse would, as a result of these works, extend beyond the plane of any existing roofslope which forms the principal elevation of the dwellinghouse and fronts a highway;
- c) the cubic content of the resulting roofspace would exceed the cubic content of the original roofspace by more than -
  - i) 40 cubic metres in the case of a terracehouse, or
  - ii) 50 cubic metres in any other case
- d) 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
- e) the dwellinghouse is on article 1(5) land.

The proposed roof extensions and alterations would not exceed the highest part of the roof and would not extend beyond the plane of the existing roofspace forming the principal elevation of the dwellinghouse. The proposal therefore complies with Class B.1 a) and b).

The combined cubic volume of the proposed enlarged dormer and hip to gable roof extension is 32.8 cubic metres and does not exceed 40 cubic metres and therefore complies with Class B.1 c).

The dwellinghouse is not located on class 1(5) land and no verandah, soil vent pipe or balcony is proposed. The proposal therefore complies with class B.1 d) and e).

Class B.2 states that development is permitted by Class B subject to conditions to ensure that external materials are of a similar appearance to those of the main dwellinghouse; the edge of the enlargement closest to the eaves of the original roofline shall be not less than 20 centimetres from the eaves of the original roof; and any window opening on a side wall or roofslope shall be obscure glazed and non-opening above 1.7 metres from finished floor level. The proposal complies with the above conditions as per the submitted plans.

Class C.1 states that development is not permitted by Class C if

- a) the alteration would protrude more than 150 millimetres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof;
- b) it would result in the highest part of the alteration being higher than the highest part of the original roof; or
- c) 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.

The proposed roof light will not extend above the existing roof plane by more than 150mm. The proposal complies with Class C.1 a).

The proposed roof light will not be higher than the highest part of the original roof. The proposal complies with Class C.1 b).

The proposal does not include a chimney, flue, soil and vent pipe, solar photovoltaics or solar thermal equipment and complies with Class C.1 c).

Class C.2 refers to windows on the side elevation and is not relevant in this instance.

#### **SUMMARY**

The proposed development would therefore accord with Classes B and C of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 and is therefore deemed to be Permitted Development.

#### **RECOMMENDATION**

#### **PP NOT REQUIRED**

The Arun District Council hereby certify that on 01 March 2013 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 black on the plan attached to this certificate, was lawful within the meaning of section 192 of the Town & Country Planning Act 1990 for the following reasons:

The proposed roof enlargement and extension is considered to fall under Classes B and C of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order in that it relates to the 'The enlargement of a dwellinghouse consisting of an addition or alteration to its roof' and 'any other alteration to the roof of a dwellinghouse'.

Class B.1 states that development is not permitted by Class B if:-

- a) any part of the development would, as a result of the works, exceed the height of the highest part of the existing roof;
- b) any part of the dwellinghouse would, as a result of these works, extend beyond the plane of any existing roofslope which forms the principal elevation of the dwellinghouse and fronts a highway;
- c) the cubic content of the resulting roofspace would exceed the cubic content of the original roofspace by more than -
  - i) 40 cubic metres in the case of a terracehouse, or
  - ii) 50 cubic metres in any other case
- d) 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
- e) the dwellinghouse is on article 1(5) land.

The proposed roof extensions and alterations would not exceed the highest part of the roof and would not extend beyond the plane of the existing roofspace forming the principal elevation of the dwellinghouse. The proposal therefore complies with Class B.1 a) and b).

The combined cubic volume of the proposed enlarged dormer and hip to gable roof extension is 32.8 cubic metres and does not exceed 40 cubic metres and therefore complies with Class B.1 c).

The dwellinghouse is not located on class 1(5) land and no verandah, soil vent pipe or balcony is proposed. The proposal therefore complies with class B.1 d) and e).

Class B.2 states that development is permitted by Class B subject to conditions to ensure that external materials are of a similar appearance to those of the main dwellinghouse; the edge of the enlargement closest to the eaves of the original roofline shall be not less than 20 centimetres from the eaves of the original roof; and any window opening on a side wall or roofslope shall be obscure glazed and non-opening above 1.7 metres from finished floor level. The proposal complies with the above conditions as per the submitted plans.

Class C.1 states that development is not permitted by Class C if

- a) the alteration would protrude more than 150 millimetres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof;
- b) it would result in the highest part of the alteration being higher than the highest part of the original roof; or
- c) 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.

The proposed roof light will not extend above the existing roof plane by more than 150mm. The proposal complies with Class C.1 a).

The proposed roof light will not be higher than the highest part of the original roof. The proposal complies with Class C.1 b).

The proposal does not include a chimney, flue, soil and vent pipe, solar photovoltaics or solar thermal equipment and complies with Class C.1 c).

#### **FIRST SCHEDULE**

The proposed extended dormer measures 7.8m wide x 1.65m high x 2.7m deep. The proposed hip-to-gable roof extension measures 4.1m wide x 2.7m high x 8.35m deep.

#### **SECOND SCHEDULE**

35 Grove Crescent, Littlehampton, BN17 6AD

#### **EXTENT OF USE**

The 'development' proposed is for a hip-to-gable roof extension and dormer extension, as detailed in the plans submitted with the application.



Based on the Ordnance Survey mapping with permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Arun District Council 100018487.