

LY/20/13/CLP

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

REF NO: LY/20/13/CLP

LOCATION: Almond Cottage
The Causeway
Arundel

PROPOSAL: Application for a Lawful Development Certificate for the proposed formation of front and rear dormers to existing roof, alteration of hipped to gable end on south elevation and general alterations and formation of front porch canopy on west elevation.

DESCRIPTION OF APPLICATION

This application considers a number of alterations to a semi-detached dwellinghouse.

The alterations include two front dormers measuring approximately 1.5m in length, approximately 1.9m in depth and approximately 1.4m in height. Also proposed is a rear dormer measuring approximately 11.1m in length, approximately 3m in depth and approximately 1.8m in height. The proposed hip to gable enlargement on the side (south) elevation will also include doors and a glass balustrade at first floor level. A single storey rear extension is also proposed in place of an existing extension. A flue is to be sited on the rear roofslope measuring 2m in height and projecting above the existing roofslope by approximately 0.3m. A porch canopy is to be built above the front door measuring approximately 1.8m in length and approximately 1m in height.

DESCRIPTION OF SITE AND SURROUNDINGS

The site is situated at the end of a Private Drive and cul-de-sac off The Causeway (A27). The property is a semi-detached bungalow with the bulk of its amenity land located to the rear. Two storey semi-detached properties front the road and there is a hotel close by situated to the east. The property is currently undergoing construction works with the removal of roof tiles to front and rear and demolition of a single storey rear extension.

RELEVANT SITE HISTORY

REPRESENTATIONS

Representations received:

Comments on Representations received:

CONSULTATIONS

Planning Solicitor

Consultations responses received:

Comments on Consultation responses:

LEGISLATIVE BACKGROUND

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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) (Amendment) (No. 2) (England) Order 2008, Part 1. Classes A and B

- Class A, which pertains to the enlargement, improvement, or other alterations to a dwellinghouse.

- Class B, which pertains to the enlargement of a dwellinghouse consisting of an addition or alteration to its 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 conclusion is divided and numbered into the respective development applied for under this Certificate.

1. Rear dormer
2. Two front dormers
3. Hip to gable roof enlargement on the side (south) elevation
4. Door and glass balustrade on side (south) elevation
5. Replacement single storey rear extension
6. Porch canopy over front door

In considering the relevant sections of the Act, there is acknowledgement that the property is a semi-detached property without repeated clarification of this fact.

1. REAR DORMER

The Town and Country Planning (General Permitted Development)(Amendment)(No. 2)(England) Order 2008 Article 3 Schedule 2 Part 1 Class B (a) states that the rear dormer should not exceed the height of the existing dwelling. The dormer is lower than the main roof of the dwelling.

Class B (b) informs that 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 dormer is situated to the rear and so meets this criteria.

Class B (c) states that the dormer should not exceed the cubic content of the original roof space by more than 50 cubic metres. The rear dormer measures approximately 30.2 cubic metres and so meets this requirement.

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Class B (d) does not apply as it relates to constructing a veranda, balcony or raised platform.

A Condition of the build under B2(a) is that any materials used in the exterior work shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse. In this case, it is noted that slate hanging will be applied to the dormer face and cheeks. The property has had slate roof tiles as determined on a site visit, although these have been recently removed.

Therefore, the rear dormer is therefore considered to be "Permitted Development".

2. TWO FRONT DORMERS

The Town and Country Planning (General Permitted Development)(Amendment)(No. 2)(England) Order 2008 Article 3 Schedule 2 Part 1 Class B (a) states that the two front dormers should not exceed the height of the existing dwelling. The dormers are lower than the main roof of the dwelling.

Class B (b) informs that 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 dormers are situated on the principal elevation of the property. After seeking a legal opinion on the matter, the road to the front is not regarded as a 'highway' for the purposes of the Act and so the front dormers are considered to meet this criteria.

Class B (c) states that the dormer should not exceed the cubic content of the original roof space by more than 50 cubic metres. The front dormers combine to measure approximately 4 cubic metres and so meets this requirement. When combined with the rear dormer they measure approximately 34.24 cubic metres which again meets this criteria.

Class B (d) does not apply since it relates to constructing a veranda, balcony or raised platform.

A Condition of the build under B2(a) is that any materials used in the exterior work shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse. In this case, it is noted that slate hanging will be applied to the dormer face and cheeks which matches existing (before slate tile removal recently).

Therefore, the front dormers are therefore considered to be "Permitted Development".

3. ROOF ENLARGEMENT (HIP TO GABLE)

The Town and Country Planning (General Permitted Development)(Amendment)(No. 2)(England) Order 2008 Article 3 Schedule 2 Part 1 Class B (a) states that the roof enlargement should not exceed the height of the existing dwelling. The roof enlargement is at the same height as the main roof of the dwelling and so meets this criteria.

Class B (b) states that 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 roof is to be extended to the side (south) and so is not on the principal elevation of the property. This requirement is therefore met.

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Class B (c) states that the roof enlargement should not exceed the cubic content of the original roof space by more than 50 cubic metres. The hip to gable enlargement measures approximately 9.32 cubic metres and so fulfils this criteria.

Class B (d) does not apply as it relates to constructing a veranda, balcony or raised platform.

A Condition of the build under B2(a) is that any materials used in the exterior work shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse. In this case, it is noted that there will be slate hanging at the gable end which matches existing materials.

The second Condition of the build under B2(b) refers to cases other than hip-to-gable enlargement and therefore does not apply to this roof extension.

The roof enlargement (hip to gable) is therefore considered to be "Permitted Development".

4. DOORS AND GLASS BALUSTRADE ON SIDE (SOUTH) ELEVATION

The Town and Country Planning (General Permitted Development)(Amendment)(No. 2)(England) Order 2008 Article 3 Schedule 2 Part 1 Class A (a) is considered to be relevant to this development.

Class A (a) is not considered relevant as it relates to ground coverage of the development.

Class A (b) refers to development not exceeding the highest part of the existing roof. The doors and balustrade are set below this point to meet this criteria.

Class A (c) is not considered relevant as this refers to eaves height of the development.

Class A (d) sets out that development should not extend beyond a wall which (i) fronts a highway and (ii) forms either the principal elevation or a side elevation of the original dwellinghouse. The doors and balustrade are on the side elevation which does not front a highway and so this criteria is met.

Class A (e-h) are not considered relevant as this relates to extensions to dwellinghouses.

Class A (i) states that the development should not include (i) the construction or provision of a veranda, balcony or raised platform. The glass balustrade is not considered to be a balcony due to its lack of depth, or for that matter, veranda or raised platform and therefore complies with this requirement.

The doors and glass balustrade on the side (south) elevation are therefore regarded as "Permitted Development".

5. REPLACEMENT SINGLE STOREY REAR EXTENSION

The Town and Country Planning (General Permitted Development)(Amendment)(No. 2)(England)

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Order 2008 Article 3 Schedule 2 Part 1 Class A (a) is considered to be relevant to the single storey rear extension which is within the footprint of the existing structure. However, since the existing structure is to be demolished, its replacement is considered to constitute new development for the purposes of the Act.

Class A (a) states that the cumulative amount of ground covered by any extensions should not exceed 50% of the total area of the curtilage (not including the original dwelling house). It is considered based on the submitted plans and site observations that this criteria is met.

Class A (b) refers to development not exceeding the highest part of the existing roof. The extension is single storey and so will not exceed the existing roof height.

Class A (c) informs that the eaves height will not exceed the height of the eaves of the existing dwellinghouse. The single storey extension has eaves set below those of the property and so this criteria is met.

Class A (d) states that development should not extend beyond a wall which (i) fronts a highway and (ii) forms either the principal elevation or a side elevation of the original dwellinghouse. The extension is situated to the rear and so this requirement is fulfilled.

Class A (e) specifies that the extension will be single storey and not exceed 3m in length in the case of a semi-detached property. The proposed extension measures approximately 2.3m in length and so complies with this requirement.

Class A (f) relates to extensions of more than one storey which is not applicable to this form of development.

Class A (g) refers to extensions being within 2m from the boundary of the curtilage of the dwellinghouse and the height of the eaves of the development not exceeding 3m. The eaves height for the extension is approximately 2.5m and so this criteria is met.

Class A (h) refers to side extensions which does not apply to this rear extension.

Class A (i) does not apply as it refers to (i) the construction or provision of a veranda, balcony or raised platform.

Under Conditions of the build, A3 (a) states that the materials used in any exterior work shall be of a similar appearance to those used in the construction of the property. It is noted from the plans and site visit that matching materials are being used and so this Condition has been met.

The single storey rear extension is therefore considered "Permitted Development".

6. PORCH CANOPY TO FRONT

The Town and Country Planning (General Permitted Development)(Amendment)(No. 2)(England) Order 2008 Article 3 Schedule 2 Part 1 Class A (a) states that the cumulative amount of ground covered by any extensions should not exceed 50% of the total area of the curtilage (not including the original dwelling house). It is considered that this criteria is met based on submitted plans and site observations.

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Class A (b) refers to development not exceeding the highest part of the existing roof. The porch canopy will not exceed the existing roof height.

Class A (c) informs that the eaves height will not exceed the height of the eaves of the existing dwellinghouse. The porch canopy has eaves set below those of the property and so this criteria is met.

Class A (d) states that development should not extend beyond a wall which (i) fronts a highway and (ii) forms either the principal elevation or a side elevation of the original dwellinghouse. The porch canopy is on the principal elevation of the house but does not front a highway, as confirmed by legal opinion on the matter.

Class A (e-g) do not apply to this porch canopy as they refer to extensions.

Class A (h) refers to side extensions which does not apply to this porch canopy.

Class A (i) does not apply as it refers to (i) the construction or provision of a veranda, balcony or raised platform.

Under Conditions of the build, A3(a) states that the materials used in any exterior work shall be of a similar appearance to those used in the dwellinghouse. Since the proposed materials are not specified in the application, it is not possible to say whether this Condition has been met.

However, the main criteria have been satisfied and so the porch canopy is regarded as "Permitted Development" but the applicant is advised to ensure that materials will match existing.

It is therefore recommended that a Certificate of Lawful Development is issued.

RECOMMENDATION

PP NOT REQUIRED

The Arun District Council hereby certify that on 20th November 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 reason:-

The proposed extensions and alterations to the dwellinghouse accords with the parameters set out in the Town and Country Planning (General Permitted) Development Order (Amendment No. 2) (England) 2008 Schedule 2, Article 3, Part 1 Classes A and B and, as such, do not require planning permission.

FIRST SCHEDULE

The development is described as follows:-

Rear dormer.

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The dormer is situated on the rear elevation and measures approximately 11.1m in length, approximately 3m in depth and approximately 1.8m in height. It has slate hanging to dormer cheeks and face.

Two front dormers.

The two dormers on the front elevation measures approximately 1.5m in length, approximately 1.9m in depth and approximately 1.4m in height. They have slate hanging and lead roofs.

A hip to gable roof enlargement.

This roof enlargement will be on the side (south) elevation and measures approximately 3.6m in length, approximately 4.6m in width and approximately 1.6m in height. It will have a slate hanging gable end.

A door and glass balustrade on side (south) elevation.

The door will measure approximately 1.1m in width and approximately 1.7m in height. The glass balustrade measures approximately 1.3m in width and approximately 1m in height.

A single storey rear extension.

The single storey rear extension measures approximately 12.1m in length, approximately 2.4m in depth and approximately 2.7m in height. It will have colourwash render.

Porch canopy over the front door.

The porch canopy measures approximately 1.8m in length, approximately 0.9m in depth and approximately 1m in height set at a maximum height of 2m above ground level.

All extensions and alterations as described above will be for domestic use, associated with Almond Cottage, The Causeway, Arundel, BN18 9JL.

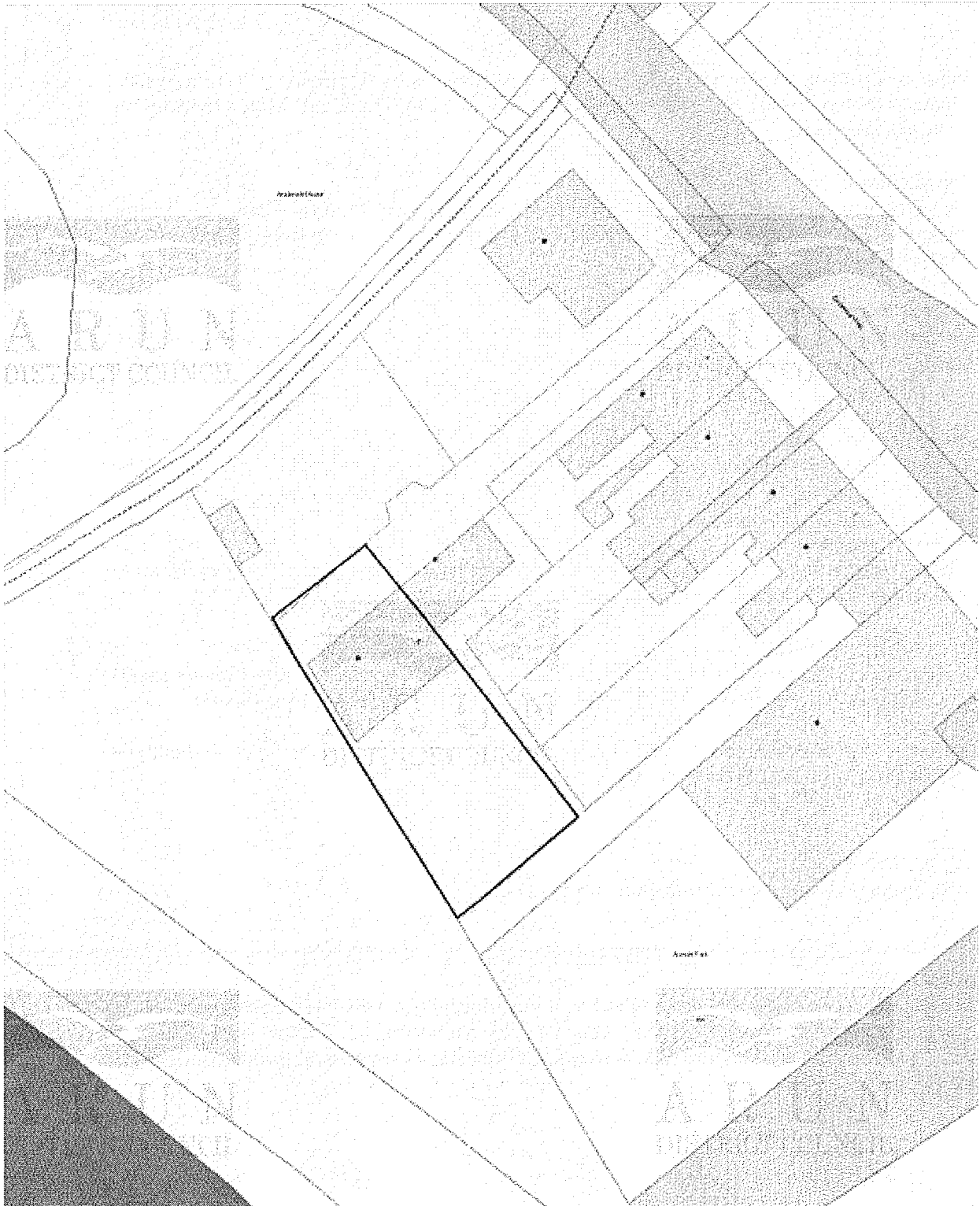
SECOND SCHEDULE

Almond Cottage, The Causeway, Arundel, BN18 9JL.

EXTENT OF USE

The "development" involves the erection of 1. a rear dormer, 2. two front dormers, 3. a hip to gable roof enlargement on the side (south) elevation, 4. a door and glass balustrade on side (south) elevation, 5. a single storey rear extension, 6. porch canopy over front door.

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