

Recommendation Report for Lawful Development Certificate for a Proposed Use or Development**REF NO:** M/116/17/CLP**LOCATION:** Robins Retreat
1 West Close
Middleton on Sea**PROPOSAL:** Application for a Lawful Development Certificate for a proposed development - alterations to 2 existing dormers on north (side) elevation to form single enlarged dormer**DESCRIPTION OF APPLICATION**

It is proposed to enlarge two side facing dormers in the north elevation of the dwelling. These will be replaced by a single larger dormer. The proposed dormer will be 5.8m in width and 1.5m from base to eaves, with base 0.5m above existing main eaves of the roof plane. It will extend 1.55m out from the roof plane. The dormer roof is at 2 heights, 3.2m and 2.5m from the base of the dormer. Matching / similar materials are proposed.

DESCRIPTION OF SITE AND SURROUNDINGS

The site is occupied by a detached two storey dwelling with plain tile roof and also with some tile hanging to existing dormers.

RELEVANT SITE HISTORY

M/51/06/	Rear extension.	Withdrawn 07-07-2006
M/76/06/	Rear extension (Resubmission following M/51/06)	ApproveConditionally 30-08-2006
M/16/07/	Detached Garage	ApproveConditionally 01-05-2007
M/120/07/	Amendments to application M/16/07/ for a detached garage (increased size).	ApproveConditionally 27-11-2007
M/87/12/	Enlargement of existing 1st floor dormer.	ApproveConditionally 11-12-2012

None.

REPRESENTATIONS**Representations received:**

No representations received.

Comments on Representations received:

N/A

CONSULTATIONS

Consultations responses received:

No consultees.

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 the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2015 (as amended).

- Class B, which pertains to additions or alterations to roofs which enlarge the house such as loft conversions involving dormer windows.

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 RELEVANT PART OF THE GPDO

Schedule 2, Part 1, Class B;

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 M, N, P 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.

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.

(Windows for a loft extension on a side elevation of a house must be obscure glazed to benefit from permitted development).

Interpretation of Class B

B.3 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.

B.4 For the purposes of paragraph B.2(b)(ii), roof tiles, guttering, fascias, barge boards and other minor roof details overhanging the external wall of the original dwellinghouse are not to be considered part of the enlargement.

THE PROPOSAL

The proposed enlarged dormer satisfies the criteria and conditions set out in Class B. 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 applicant has confirmed that materials will be similar/matching to the existing dwelling and also that the windows in the dormer will be permanently obscure glazed and be 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 proposed alterations to 2 existing dormers on north (side) elevation to form a single enlarged

dormer are therefore considered to accord with the limitations of Schedule 2, Part 1, Class B 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 10 November 2017 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 alterations to 2 existing dormers on north (side) elevation to form a single enlarged dormer are therefore considered to accord with the limitations of Schedule 2, Part 1, Class B 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.

Subject to (as confirmed by the applicant) materials being similar/matching to the existing dwelling and also that the windows in the dormer will be permanently obscure glazed and be 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.

FIRST SCHEDULE

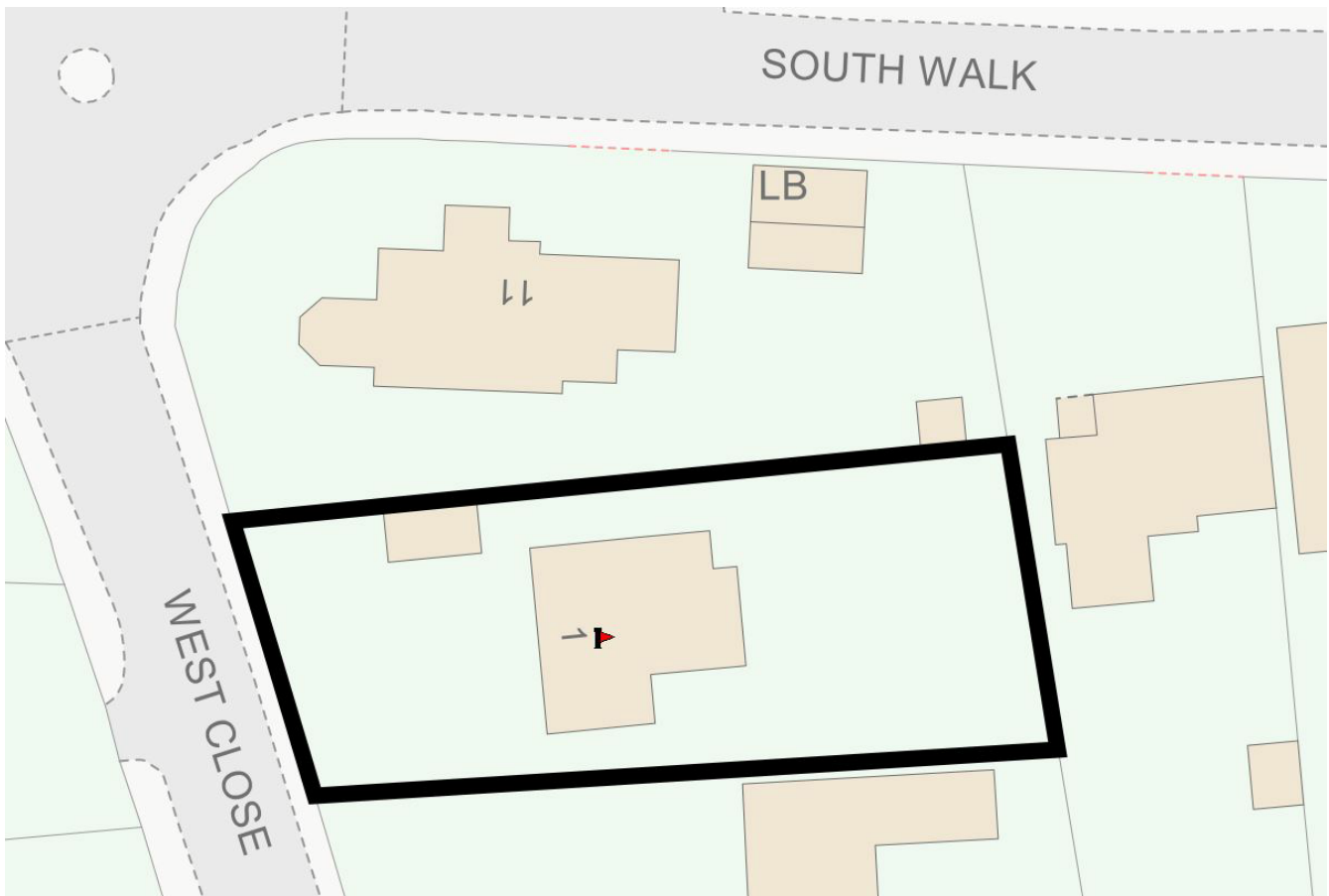
Alterations to 2 existing dormers on north (side) elevation to form single enlarged dormer. Materials being similar/matching to the existing dwelling and also the windows in the enlarged dormer being permanently obscure glazed and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

Drawing Number 4797/01 - Block Plan - Received with Application

Drawing Un-numbered - Proposed Elevations - Received with Application

SECOND SCHEDULE

Robins Retreat, 1 West Close, Middleton-on-Sea, Bognor Regis, West Sussex PO22 7RP



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