

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

REF NO: M/91/14/CLP

LOCATION: 31 Ancton Way
Bognor Regis

PROPOSAL: Application for certificate of lawfulness for proposed conversion of existing loft & 2 No dormer extensions together with rear single storey flat roofed extension.

DESCRIPTION OF APPLICATION

This Certificate of Lawfulness for Proposed Use is for a loft conversion with 1no. new window in the front elevation at first floor level and 1no. new window in the rear elevation at first floor level of the property; the erection of 1no. dormer on the eastern side of the roof and 1no. dormer on the western side of the roof and a single storey flat roof extension to the rear.

DESCRIPTION OF SITE AND SURROUNDINGS

The site contains a detached chalet style bungalow with a pitched tiled roof. It is located on a private residential estate where there are mainly two storey detached properties and bungalows of varying designs.

RELEVANT SITE HISTORY

REPRESENTATIONS

Representations received:

None

Comments on Representations received:

None

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

None

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 1995, (as amended) Part 1.

- Class A, which pertains to the enlargement, improvement, or other alterations to a dwellinghouse.
- Class B, which pertains to the addition or alteration to the roof of a dwellinghouse.

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 property is a dwellinghouse with no special heritage designation or Permitted Development Restrictions.

LOFT CONVERSION WITH 2NO. NEW WINDOWS IN THE PROPERTY

The loft conversion comprises mainly of internal works apart from 1no. window to be inserted in the front elevation at first floor level and 1no. in the rear elevation at first floor level of the property. The 2no. additional windows are considered to fall under the Town and Country Planning (General Permitted Development) Order 1995 (as amended) Article 3 Part 1 Class A for 'the enlargement, improvement or other alteration of a dwellinghouse'.

2no. SIDE ROOF DORMERS

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

(za) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class 1A or MB of Part 3 of this Schedule (changes of use);

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 2no. side dormers will not exceed the height of the highest part of the existing roof and so this criteria has been met.

b) any part of the dwellinghouse would, as a result of the works, extend beyond the plane of an existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway.

The dormers will extend out to the side of the property and so this criteria is satisfied.

c) the cubic content of the roof space would exceed the cubic content of the original roofspace by more than:-

- i) 40 cubic metres in the case of a terrace house, or
- ii) 50 cubic metres in any other case.

e) the dwellinghouse is on article 1 (5) land (Conservation Areas)

The site is not in a Conservation Area.

The property is detached and so benefits from an allowance of 50 cubic metres. The side dormer

(east) measures approximately 15 cubic metres. The side dormer (west) measures approximately 15 cubic metres. The dormers combine to 30 cubic metres which is under the allowance of 50 cubic metres. Therefore, this criteria has been satisfied.

Class B. 2 states that development is permitted by Class B subject to the following conditions-
a) the external materials shall be of similar appearance to the exterior of the dwellinghouse.

According to details submitted with the application under drawing number 11419.07, the proposed side dormers will be of a similar appearance to the dwelling due to the use of plain clay red/brown tiles which will match the original roof.

(b) the enlargement shall 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 shall, so far as practicable, be not less than 20 centimetres 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;

It is considered that these criteria are satisfactorily met.

In conclusion, the 2no. side dormers comply with Schedule 2, Part 1, Class B of the General (Permitted Development) Order 1995 (as amended) and is deemed to be Permitted Development, and do not therefore require planning permission.

SINGLE STOREY REAR EXTENSION

The Town and Country Planning (General Permitted Development)(Order) 1995 Part 1 states that:-

Class A (za) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class IA or MB of Part 3 of this Schedule (changes of use) which is considered to be the case.

Class A (a) states that as a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse). The original dwelling has not been added to thus far and the footprint of the proposed extension will occupy under 50% of the area of the curtilage.

Class A (b) informs that extensions must not exceed the height of the existing dwelling. The proposed single-storey extension is lower than the main roof of the dwelling.

Class A (c) states that the eaves height of the extension must not exceed those of the dwelling. The proposed extension conforms with this requirement.

Class A (d) informs that the extension should not project beyond any wall that forms a principle or

side elevation of the dwelling that fronts a highway. The proposed extension will be made to the rear of the dwelling that does not front a highway and therefore satisfies this requirement.

Class A (e) relates to extensions extending beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached house and should not exceed 4 metres in height.

Class A (g) The proposed extension extends beyond the rear wall of the property by 3.2m and will be 3m in height and so this criteria is met.

Class A (h) stipulate that any side extension should not exceed four metres in height, have more than one storey, and have a width greater than have the width of the original dwelling house. The proposal is for a rear extension and so this criteria does not apply.

Class A (i) refers to to the construction or provision of a veranda, balcony or raised platform which are not being proposed. (ii - iv) do not apply to this form of development.

Class A.2 states that development is permitted by Class A subject to the following conditions-
a) the external materials shall be of similar appearance to the exterior of the dwellinghouse. According to a supporting statement from the Agent, the external materials used in the construction of the rear extension will match the dwelling and so this Condition is met. (b) and (c) of Condition A.2 do not apply.

In conclusion, the rear extension complies with Schedule 2, Part 1 Class A of the General (Permitted Development) Order 1995 (as amended) and is deemed to be Permitted Development, and does not therefore require planning permission.

RECOMMENDATION

PP NOT REQUIRED

The Arun District Council hereby certify that on 10th November 2014 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 reason that it falls under Schedule 2, Part 1, Classes A and B of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).

FIRST SCHEDULE

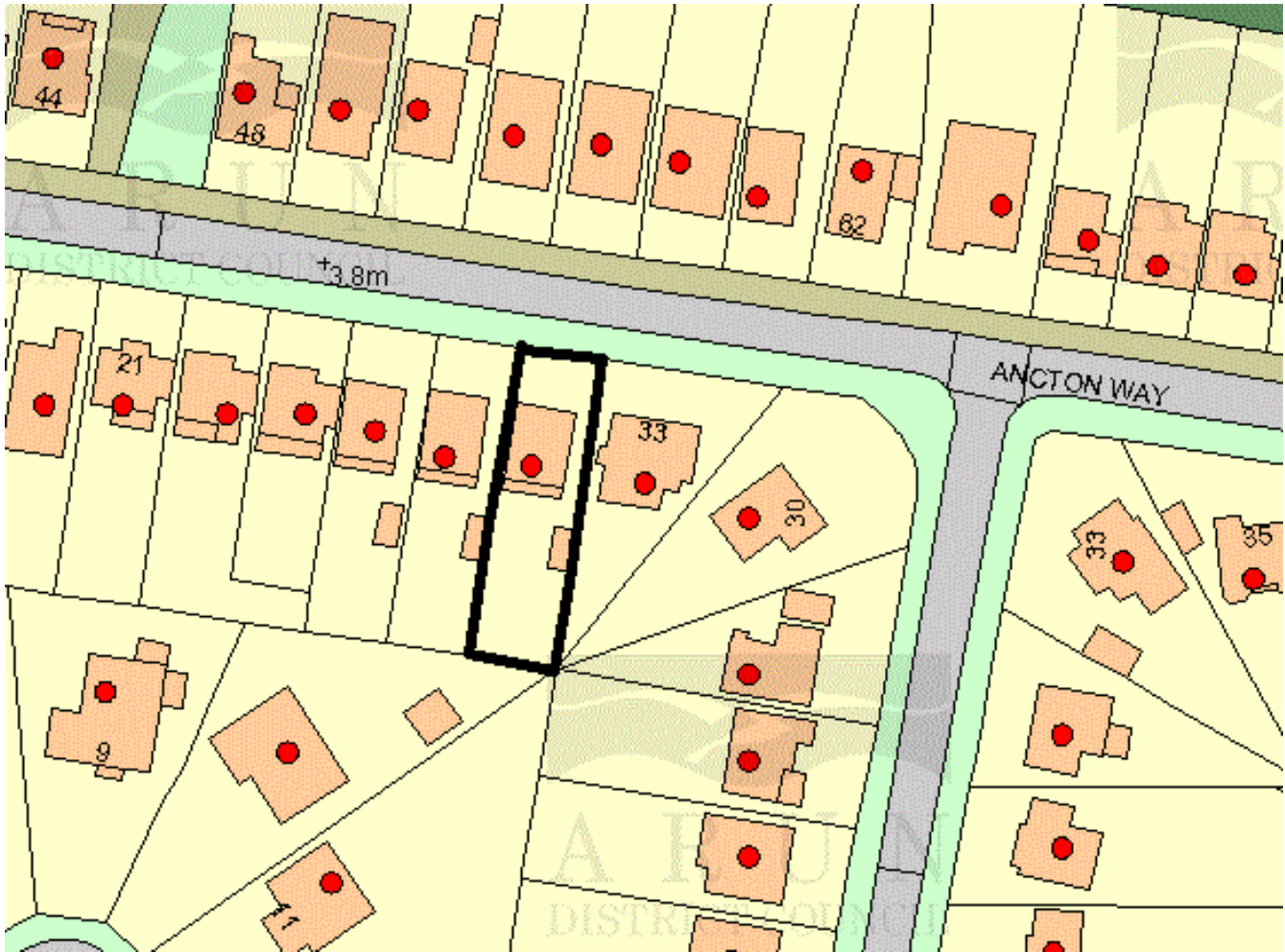
The 2no. dormers are identical in measurement at 7m in length, a maximum of 2.4m in width and 2.2m in height. The single storey rear extension measures 3.2m in length, 7m in width and 3m in height. Materials to match existing.

SECOND SCHEDULE

31 Ancton Way, Middleton-on-Sea, Bognor Regis, West Sussex, PO22 6JP.

EXTENT OF USE

The "development" involves a loft conversion with 2no. new windows in the front and rear elevations of the property; 2no. side dormers and 1no. single storey rear extension.



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