

CERTIFICATE OF LAWFUL PROPOSED DEVELOPMENT REPORT**REF NO:** R/135/11/CLP**LOCATION:** Shencot
44 Seafield Road
Rustington**PROPOSAL:** Application for a Certificate of Lawfulness for a proposed loft conversion as per Focus letter dated 25/05/11 in addition to works approved under application R/44/11.**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above. The proposed loft conversion will not result in any increase in the current volume of the dwelling.
SITE AREA	Approximately 780 square metres.
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	N/A
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	N/A
SITE CHARACTERISTICS	The site is occupied by a detached bungalow dwelling which has a flat roof dormer installed on the rear roof slope.
CHARACTER OF LOCALITY	The site is located in a residential area, adjacent to a care home.

RELEVANT SITE HISTORY

R/44/11/	Replacement of 2 no. catslide roof sections with flat roofs and relocation of 1 no. door and 2 no. windows to north and west elevations	Approve Cond 05-05-2011
R/172/77	New residential home for elderly comprising 45 dwelling units (5 double 40 single)	Approve Cond 12-10-1977

REPRESENTATIONS**Representations received:**

N/A

Comments on Representations received:

N/A

CONSULTATIONS

Consultations responses received:

N/A

Comments on Consultation responses:

N/A

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.

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.

In this instance the proposed works will be assessed against relevant planning legislation in order to determine whether they require planning permission to be granted.

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

It is noted that the building has recently been granted permission (under planning application R/44/11) to be used for respite care, which is a class C2 use. However, The Town & Country Planning (Use Classes) Order 1987 Part C (as amended) states that the use of a building for respite care, when for the benefit of less than 6 individuals living as a single household, is defined as a dwellinghouse (class C3).

The proposed works will create an additional bedroom, bringing the total supplied up to four and, provided it is occupied by a maximum of 6 people, the use will remain as class C3 and no application for change of use will be required.

The building operations carried out are largely restricted to the interior of the building, however, the provision of rooflights on the eastern (front) roof slope will have a material impact upon the appearance of the existing dwelling. It therefore recognised as development as defined in the Town and Country Planning Act 1990 Chapter 8, Part III Section 55. The rooflights represent the only material external works that will be carried out as a result of the proposal.

C3 use buildings enjoy a level of Permitted Development rights and this is set out in The Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008. Of particular relevance to this proposal is the criteria contained within Part 1, Class C of this order which relates to alterations to the roof of a dwellinghouse.

Class C (a) states that an 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. As the alterations in question are rooflights, they will be set within the plane of the existing roof slope and the applicant has confirmed that they will not protrude more than 150mm from the plane of the roof slope. This requirement is therefore complied with.

Class C (b) stipulates that works that would result in the highest part of the alteration being higher than the highest part of the original roof will not be deemed permitted development. The proposed rooflights will be integrated within the existing roof slope and will be set below the ridge height of the existing roof, thereby satisfying this criterion.

There are no further restrictions to alterations being made to the front roof slope of a dwelling.

It is therefore concluded that the proposed works constitute Permitted Development and, as such, a Certificate for Lawful Development should be issued.

RECOMMENDATION

PLANNING PERMISSION NOT REQUIRED

- 1 The Arun District Council hereby certify that on the 5th of July 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.

The only works that constitute 'development' under the Town and Country Planning Act 1990 Chapter 8, Part III Section 55, are the introduction of rooflights on the eastern roof slope and these features, as described in the application, qualify as Permitted Development as per The Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 Part 1 Class C.

- 2 The proposal is for a loft conversion that will not result in any increase in the volume of the existing dwelling. Two rooflights are to be installed on the eastern roof slope and these will project no more than 150mm from the plane of the roof slope.
- 3 The proposed loft conversion will house a bedroom and playroom.
- 4 'Shencot', 44 Seafield Road, Rustington, West Sussex, BN16 2JQ