

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

**REF NO:** R/153/13/CLP

**LOCATION:** 51 Chaucer Avenue  
Rustington  
Littlehampton

**PROPOSAL:** Application for a Certificate of Lawfulness for a proposed use or development -  
Hip to gable roof extension and rear dormer to facilitate loft conversion

**DESCRIPTION OF APPLICATION**

The hip to gable roof extension will be principally formed on the side (south) elevation with a dormer to be situated to the rear of the property on its east elevation. The roof extension measures at its maximum approximately 3m in width, approximately 7.5m in depth and approximately 3m in height.

The rear dormer measures approximately 3.5m in depth, approximately 4.5m in width and approximately 2.5m in height. The eaves height of the property remains unaltered by the proposal at approximately 2.5m in height.

**DESCRIPTION OF SITE AND SURROUNDINGS**

The site is occupied by a semi-detached bungalow with the bulk of its amenity land to the rear. The road of Chaucer Avenue is situated to the front of the property but there is also a tway that runs north-south to the rear of the property. This access is considered to not support vehicular traffic and terminates to the rear of Number 45 Chaucer Avenue nearby to the north. This observation is important when determining that this access is not a highway under the terms of the Act.

**RELEVANT SITE HISTORY**

**REPRESENTATIONS**

**Representations received:**

**Comments on Representations received:**

**CONSULTATIONS**

**Consultations responses received:**

**Comments on Consultation responses:**

**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 Class B criteria contained within The Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008, Part 1, namely:-

Class B which pertains to the enlargement 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 proposed roof extension with rear dormer is for a detached dwellinghouse. The Town and Country Planning (General Permitted) Development Order (Amendment no. 2) 2008 Schedule 2, Article 3, Part 1 Class B states that such enlargement of the roof is Permitted Development for a detached dwelling providing that (a) any part of the dwellinghouse would, as a result of the work, would not exceed the height of the highest part of the existing roof. The proposed roof extension and dormer does not exceed the existing roof height and this requirement is satisfied.

Class B (b) states that as a result of the works, any part of the dwellinghouse would extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts the highway. The works are to the side and rear of the property and so this does not apply to the proposed works.

Class B (c) specifies that the cubic content of the resulting roof space should not exceed the cubic content of the original roof space by more than 50 cubic metres. It has been calculated that the combined roof extension and dormer does not exceed this amount as it is approximately 18.8 cubic metres. Therefore, this volume requirement is met.

Class B (d) states that the extension should not have (i) a veranda, balcony or raised platform; (ii) the installation, alteration or replacement of a microwave antenna, (iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe or (iv) an alteration to any part of the roof of the dwellinghouse, all of which do not apply and so these criteria are met.

Class B (e) states that the property should not be within a Conservation Area which is the case and so this criteria is satisfied.

Under Conditions of the build within this Class B2 (a), it is noted on the application that there will be tile hanging on the dormer and materials to match existing for the roof extension which complies with this criteria. Also, due to the hip-to-gable enlargement of the roof extension, criteria (b) will not apply. Under (c) there are no windows in the wall or roof slope in the side elevation so this requirement is met.

## **RECOMMENDATION**

**PP NOT REQUIRED**

The Arun District Council hereby certify that on 13th September 2013 the development hereby described in the First Schedule 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 191 of the Town and Country Planning Act 1990 for the following reason:-

The proposed roof extension and rear dormer 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, Class B and, as such, does not require planning permission.

**FIRST SCHEDULE**

The roof extension measures at its maximum approximately 3m in width, approximately 7.5m in depth and approximately 3m in height. The rear dormer measures approximately 3.5m in depth, approximately 4.5m in width and approximately 2.5m in height.

The extension will be for domestic use, associated with 51 Chaucer Avenue, Rustington, BN16 2PQ.

**SECOND SCHEDULE**

51 Chaucer Avenue, Rustington, BN16 2PQ.

The "development" involves a roof extension and dormer to rear.



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