

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

REF NO: R/235/14/CLP

LOCATION: 23 The Crescent
Rustington

PROPOSAL: Application for certificate of lawfulness for a proposed rear single extension and side dormer/staircase to existing loft room.

DESCRIPTION OF APPLICATION

The proposal consists of two elements:

- * A rear extension measuring 4 metres in depth by approximately 8.1 metres in width and 3.2 metres to roof ridge height.
- * A dormer within the side roof slope measuring 2.1 metres in width by 2.5 metres in depth and 2.8 metres in height.

DESCRIPTION OF SITE AND SURROUNDINGS

The site is occupied by a detached bungalow dwelling which has had dormer extensions added to the front and rear roof slopes, serving accommodation within the roof space.

RELEVANT SITE HISTORY

None.

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.

Any works classified as development will be assessed against the criteria contained within the Town & Country Planning (General Permitted Development) Order 1995 (as amended) Part 1, which pertains to works to a residential dwelling.

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

REAR EXTENSION:

The attributes of the proposed extension will be assessed against relevant criteria within The Town and Country Planning (General Permitted Development) Order 1995 (as amended), Part 1 Class A with a summary provided below.

Part 1 Class A.1 (a) states that development is not permitted if the ground covered would exceed 50% of the area of the curtilage (not including the area occupied by the original building).

Site measurements confirm that the footprint of the proposed extension will be less than the 50% threshold and, as such, this criterion is satisfied.

Part 1 Class A.1 (b) states that the height of any enlarged part of the dwellinghouse should not exceed the height of the highest part of the existing dwelling.

The proposed single-storey extension satisfies this requirement.

Part 1 Class A.1 (c) requires that, in order to be deemed Permitted Development, the eaves height of an enlargement should not be greater than that of the eaves of the existing dwelling.

The eaves height of the extension matches that of the existing roof and, therefore, the extension satisfies this prerequisite.

Part 1 Class A.1 (d)(i) and (ii) state that an extension that projects forward of a wall that fronts a highway and is a principal elevation of the original dwelling would not be considered as Permitted Development.

The extension will be positioned to the rear of the dwelling and, as such, is in compliance with this requirement.

Part 1 Class A.1 (e)(i)&(ii) inform that an extension to a detached dwelling (of which this property is an example) that projects more than 4 metres back from the rear elevation of the original dwelling or has an overall height greater than 4 metres will not be Permitted Development.

The proposed extension projects the maximum distance of 4 metres to the rear of the dwelling

and will be approximately 3.2 metres in height. It is therefore within the parameters set out.

Part 1 Class A.1 (g) stipulates that, in order to be deemed Permitted Development, the eaves height of any extension within 2 metres of any site boundary (which is the case with this application) must be a maximum of 3 metres.

The eaves of the proposed extension are at an overall height of approximately 2.3 metres, this requirement is therefore accorded with.

Part 1 Class A.1 (h)(i),(ii)&(iii) relate to side extensions and are therefore not applicable in this instance.

Part 1 Class A.1 (i) relates to matters that are not applicable.

Part 1 Class A.2 is not applicable as it relates to properties on article 1(5) land only.

Part 1 Class A.3(a) requires that the materials employed for the exterior work of extensions and alterations is of a similar appearance to those in use on the exterior of the existing dwelling.

The existing dwelling is finished in white painted brick. The extension will be finished in white painted render and it is considered that this will visually similar to the painted brickwork. The roof dormer will be tile hung, with tiles matching those of the existing roof. This requirement is therefore abided by.

Part 1 Class A.3(b) and (c) relate to upper floor windows and extensions of more than one storey and, as such, are not relevant to this application.

DORMER EXTENSION:

The degree to which a roof can be extended under Permitted Development rights for a detached property, such as 23 The Crescent, without the need to first obtain planning permission, is governed by criteria set out in The Town and Country Planning (General Permitted Development) 1995 (as amended) Part 1 Class B (in regards to the proposed dormer extension).

Criterion B.1 (za) states that development is not permitted if the use of the building as a dwellinghouse has been granted only by virtue of Class 1A or MB of part 3 of the schedule. The building was built as a dwellinghouse and is therefore exempt from this restriction.

a) states that a roof extension should not exceed the height of the existing roof. The roof top of the proposed dormer is set below the ridge height of the existing roof, as such, this criterion is satisfied.

(b) informs that, for a roof extension to be deemed permitted development, it must not extend beyond the plane of any roof slope fronting a highway. The proposed dormer is to be installed within the side roof slope, therefore, this criterion is complied with.

(c) states that the maximum increase in volume (from that of the roof space in the original dwellinghouse) for a detached or semi-detached dwelling is 50 cubic metres. This is a cumulative value which takes any existing roof extensions into account. The roof has been extended in the

past by way of the installation of modestly sized dormers to the front and rear roof slopes. Calculations made from the accompanying plans confirm that the cumulative increase in the volume of the roof will be below the 50 cubic metres threshold, as such, this criterion is accorded with.

Other criteria within B1 are not relevant to this application.

B.2 sets out further conditions under which a roof extension will be allowed without the need for planning permission

B.2(a) instructs that external materials used for a roof extension should be of a similar appearance to those of the existing building in order for it to qualify as permitted development. The dormer will be tile hung in materials similar in appearance to the tiles on the existing roof.

B.2 (b)(i)(aa) and (bb) maintain that the eaves of the original roof are maintained or reinstated and that the enlargement closest to the eaves of the original roof shall be not less than 20cm from them. The eaves of the original roof will be maintained and the bottom of the dormer will be approximately 50cm above them, thereby satisfying this criteria.

B.2 (b)(ii) states that no part of the enlargement shall extend beyond the outside face of any external wall of the original dwellinghouse. The proposed dormer will be set back from the external walls of the dwellinghouse and, as such, by in accordance with this criterion.

B.2 (c) states that any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse shall be (i) obscure glazed and (ii) non-opening except where over 1.7 metres above floor level of the room which is served by the window. The applicant has confirmed that this requirement will be complied with.

SUMMARY:

It has been demonstrated that all of the works proposed constitute Permitted Development as per the Town & Country Planning (General Permitted Development) Order 1995 (as amended) Part 1.

RECOMMENDATION

PP NOT REQUIRED

The Arun District Council hereby certify that on the 14th of October 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, would have been lawful within the meaning of section 192 of the Town & Country Planning Act 1990 for the following reasons:-

The proposed works qualify as permitted development under the Town & Country Planning (General Permitted Development) Order 1995 (as amended) Part 1.

FIRST SCHEDULE

The rear extension measures 4 metres in depth by approximately 8.1 metres in width and 3.2 metres to roof ridge height. The exterior will be finished in white painted render

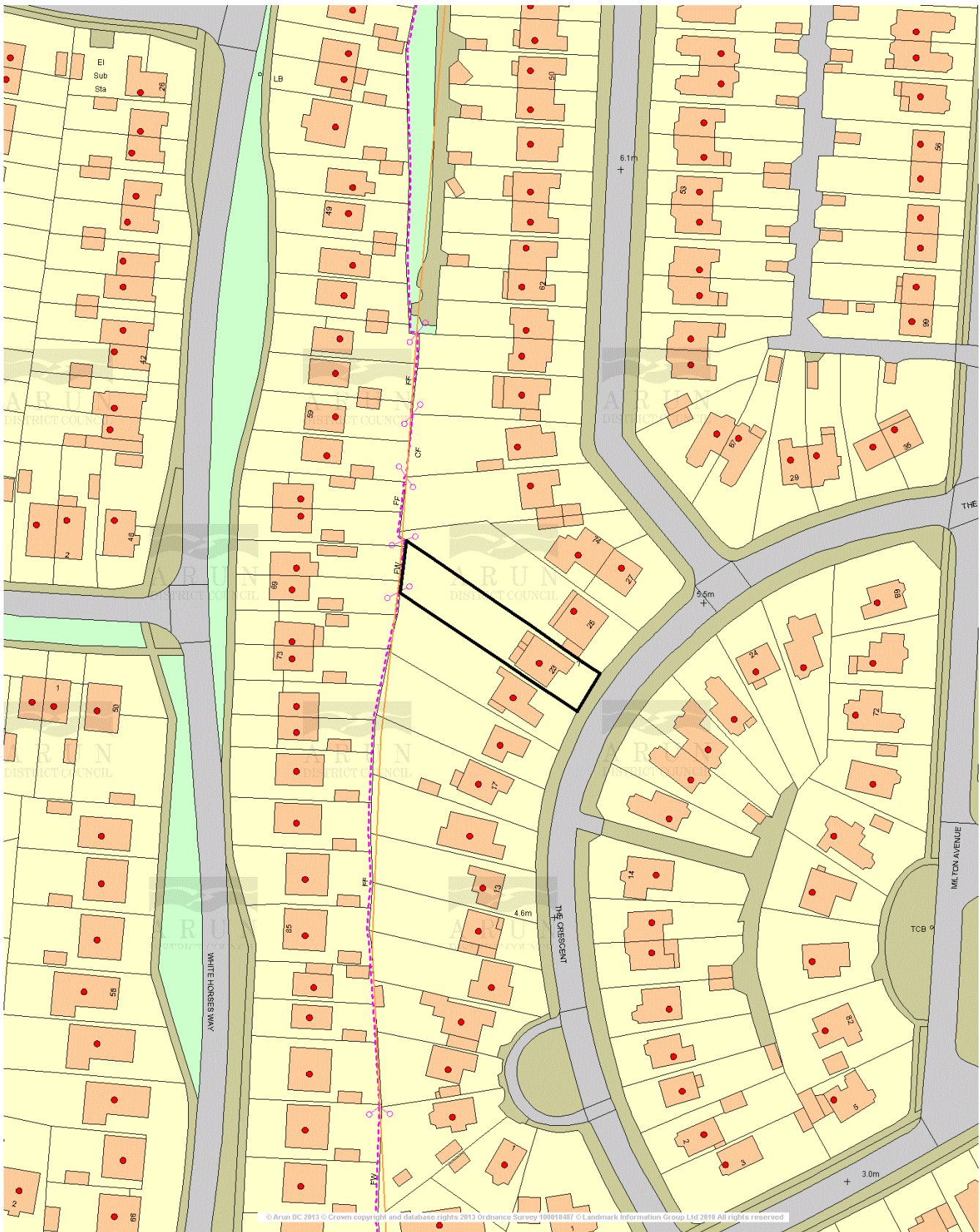
The dormer will be positioned in the side of the roof and measure 2.1 metres in width by 2.5 metres in depth and 2.8 metres in height. The window will be obscure glazed and, unless where over 1.7 metres above floor level, be non-opening. The dormer will be tile hung in a similar finish to the existing roof.

SECOND SCHEDULE

23 The Crescent, Rustington, West Sussex, BN16 2PE

EXTENT OF USE

Single-storey extension to the rear of the dwelling. Dormer extension within the side roof slope.



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