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

REF NO: **R/307/16/CLP**

LOCATION: 17 Seafield Road
Rustington

PROPOSAL: Lawful development certificate for a proposed dormer extension & hip to gable extension to existing roof.

DESCRIPTION OF APPLICATION

The proposed works consist of a roof conversion including the construction of a flat roofed dormer window on the rear elevation of the dwelling and a hip to gable extension at each end of the roof. The proposed dormer window will measure in 9.5m in length, 3m in width and 2.2m in height, giving the proposed dormer a cubic content of 31.35 cubic metres. The hip to gable extension will create a cubic content of 18m3. The total increase in roof area would therefore be 49.35 cubic metres. The materials would match the existing dwelling.

DESCRIPTION OF SITE AND SURROUNDINGS

Detached bungalow with flat roofed garage to side and flat roofed rear and side extensions and front extension. Painted rendered elevations. Currently no openings in roof area. The area is predominantly residential characterised by a mix of bungalows and 2 storey properties of varying design. The application dwelling is one of a pair located behind other dwellings fronting Seafield Road and Shaftesbury Road.

RELEVANT SITE HISTORY

R/210/04/	Extension at side to form kitchen.	ApproveConditionally 07-10-2004
R/227/16/HH	Hip to gable extension & provision of dormers to provide rooms in roof space with internal alterations.	Refused 19-10-2016
R/212/80	Proposed extension of pitched roof over existing flat roof extension and to reslate total roof	ApproveConditionally 20-08-1980

R/227/16/HH refused planning permission for the hip to gable and a larger rear dormer window and smaller front dormer.

REPRESENTATIONS

Representations received:

One Objection - If dormer windows are installed in the North side of the roof, facing neighbouring property would still endure a lack of privacy. The distance between properties is

insufficient. Is the proposed use to be as a single dwelling of bedsits?

Comments on Representations received:

The impact on the loss of privacy or the use proposed cannot be considered as part of this proposal. The application can only be assessed against permitted development legislation.

CONSULTATIONS

Consultations responses received:

N/A

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 2 criteria contained within The Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 1, Class B, which pertains to the enlargement of a dwellinghouse 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 Town and Country (General Permitted Development) Order 2015 under Schedule 2, Part 1, Class B prescribes the degree of works in relation to the enlargement of a dwellinghouse consisting of an addition or alteration to its roof that can be undertaken without the need to apply for Planning Permission. The development the subject of this application will therefore be assessed against the criteria contained within this part of the order.

Class B, B.1 (a) cannot be applied in this instance as the dwellinghouse has not been the subject of a change of use under Class M, N, P or Q of Part 3 of the Town and Country (General Permitted Development) Order 2015.

Class B, B.1 (b) states that no part of the dwellinghouse, would as a result of the works, exceed the height of the highest part of the existing roof. The proposal would not exceed the highest part of the existing roof.

Class B, B.1 (c) the dormer and roof lights the subject of this application does not extend beyond the plane of any existing roof slope which forms the principle elevation of the dwellinghouse and fronts a highway.

Class B, B.1 (d) (ii) the proposed roof extension will have a cubic content of approximately 18

metres cubed. The dormer of 31.35m3. Therefore, the cubic content of the resulting roof space will not exceed more than 50 cubic metres.

Class B, B.1 (d) (i) and (ii) are not applicable in the determination of this application as it will not include the provision of a veranda, balcony, raised platform or the alteration or installation of a chimney, flue, soil or vent pipe.

Class B, B.2, (a) specifies that the materials used in any exterior work shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse. Confirmation has been provided by the agent that the proposed dormer window and hip to gable extensions will be constructed from materials similar in appearance to those used in the construction of the original dwellinghouse.

Class B, B.2, (b) does not apply to hip to gable alterations. (i) (ii) the design of the dormer is deemed to be in accordance with the limitations imposed under this section of Class B.

Class B, B.2, (c) (i) (ii) specifies that any windows inserted above ground floor level on a side elevation of the dwelling house shall be obscurely glazed and non-opening below 1.7 metres from floor level of the room in which the window is installed. The proposed plan states that first floor windows to be fixed shut to 1.7m above fixed level and glazed in obscure glass on the north elevation with no windows indicated on the end elevations.

Therefore, it is considered that the proposed dormer window the subject of the lawful development certificate would benefit from permitted development rights under Schedule 2, Part 1, Class B of The Town and Country (General Permitted Development) Order 2015.

Section 55 Para. 2 (a) informs that the carrying out for the maintenance, improvement or other alteration of any building of works which affect only the interior of the building, or do not materially affect the external appearance of the building are also not regarded as development. The internal conversion of the existing loft is therefore not classed as development

RECOMMENDATION

PP NOT REQUIRED

The Arun District Council hereby certify that on 6th December 2016 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, would have been lawful within the meaning of section 192 of the Town & Country Planning Act 1990 for the following reasons:

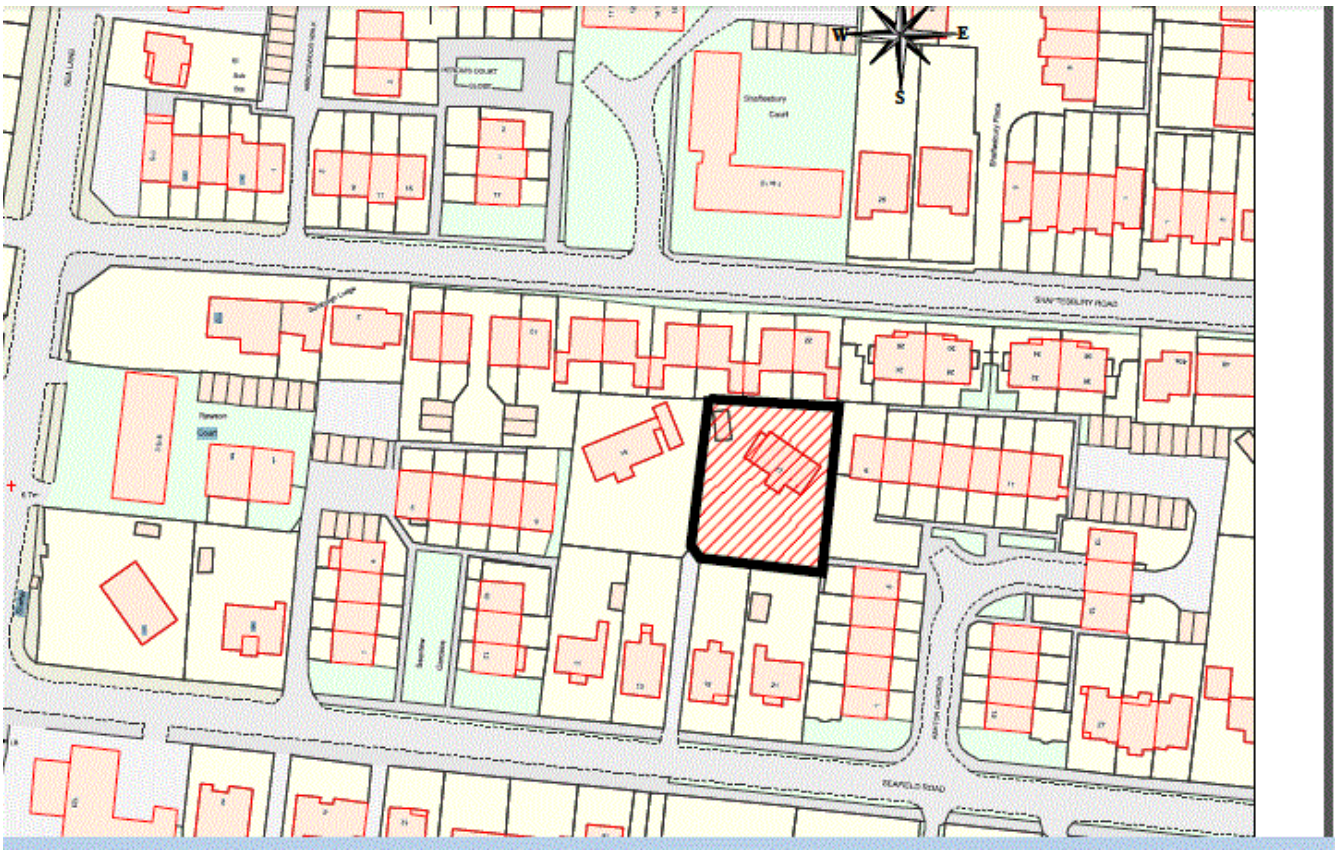
The proposed dormer window and hip to gable extensions comply with the limitations imposed under Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) Order 2015.

FIRST SCHEDULE
Construction of a dormer window on the northern elevation of the dwelling and hip to

gable extensions in accordance with the limitations of Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) as detailed on submitted drawings:
Rooms in Roof 6416:10 and substitute north elevation extract 6416 10a.

SECOND SCHEDULE
17 Seafield Road, Rustington, West Sussex BN16 2SE

EXTENT OF USE
Construction of a dormer window on the northern elevation of the dwelling measuring 31.35m3 and hip to gable extensions measuring 18 cubed metres.



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