

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

REF NO: R/63/22/CLP

LOCATION: 31 Broadmark Lane
Rustington
BN16 2HD

PROPOSAL: Lawful development certificate for a proposed loft conversion including dormer extension to the rear of the property.

DESCRIPTION OF APPLICATION

This application seeks to erect 1 No. rear dormer that is to be approx. 8.54m in width, 2.87m in depth and 2.53m in height.

RELEVANT SITE HISTORY

REPRESENTATIONS

Representations Received:

CONSULTATIONS

Consultations Responses Received:

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 the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2015 (as amended).

- Class B, which pertains to additions to the 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.

CONCLUSION

This application received 1 No. Objection from a nearby occupier with concerns regarding overlooking of their rear garden amenity space. Representations referring to perceived planning harm cannot be considered for a Certificate of Lawful Development application such as this where only the principle of whether planning permission is required is taken into account.

The internal conversion of the loft is not development requiring planning permission.

The rear dormer falls under Schedule 2-part 1 class B of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Class B:

Development not permitted

B.1 Development is not permitted by Class B if

- (a) permission to use the dwelling/house as a dwelling/house has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use);
- (b) any part of the dwelling/house would, as a result of the works, exceed the height of the highest part of the existing roof;
- (c) any part of the dwelling/house would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwelling/house and fronts a highway;
- (d) the cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than
 - (i) 40 cubic metres in the case of a terrace house, or
 - (ii) 50 cubic metres in any other case;
- (e) it would consist of or include
 - (i) the construction or provision of a veranda, balcony or raised platform, or
 - (ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe; or
- (f) the dwelling/house is on article 2(3) land.

Conditions

B.2 Development is permitted by Class B subject to the following conditions

- (a) the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwelling/house;
- (b) the enlargement must 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 is, so far as practicable, not less than 0.2 metres 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 dwelling/house; and

(c) any window inserted on a wall or roof slope forming a side elevation of the dwelling/house must be

(i) obscure-glazed, and

(ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

The property known as 31 Broadmark Lane is a semi-detached two-storey property and is not listed or within a conservation area. The proposed extension would be of materials to match that of the existing.

There are no PD restrictions for this site.

The proposed rear dormer complies with relevant sections B.1(b)(cii) & B.2(a)(aa)(bb). It is therefore, considered permitted development and as such does not require the submission of an application for full planning permission.

RECOMMENDATION

PP NOT REQUIRED

The Arun District Council hereby certify that on 16/05/22 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, was lawful within the meaning of section 192 of the Town & Country Planning Act 1990 by reason of compliance with the relevant criteria within Schedule 2 Part 1 Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015.

FIRST SCHEDULE

The proposed rear dormer is considered to fall under Schedule 2 Part 1 of the GDPO.

SECOND SCHEDULE

31 Broadmark Lane, Rustington, West Sussex, BN16 2HD.

EXTENT OF USE

1 No. rear dormer that is to be approx. 8.54m in width, 2.87m in depth and 2.53m in height. This would be an increase of internal volume by approx. 31 cubic metres and the dormer would be constructed of materials that match those of the existing dwelling.

R/63/22/CLP - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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