

Recommendation Report for Lawful Development Certificate for an Existing Use or Operation or Activity including those in breach of a planning condition.**REF NO:** WA/105/19/CLE**LOCATION:** Missione Vecchia
Arundel Road
Fontwell
BN18 0SA**PROPOSAL:** Lawful development certificate for an existing use -confirmation an existing hip to gable roof extension & rear dormer is permitted development.**DESCRIPTION OF APPLICATION**

The application seeks a lawful development certificate for an existing use- confirmation an existing hip to gable roof extension and rear dormer is permitted development.

The rear dormer window is constructed from materials which match in appearance those used in the construction of the original dwellinghouse measuring 4.4m in width, 2.2m in height and 3m in depth resulting in an additional 14.5m³ of roof space.

The hip to gable roof extension:

- has a width of 4.3m
- has a height of 3.5m
- has a depth of 8.9m
- has a volume of 22.3m³.

Total volume would be 38.7m³.

Also proposed is a side facing window which would be obscure glazed and non-openable below a height of 1.7m from the internal floor level.

The single storey rear extension does not form part of this proposal.

SITE AND SURROUNDINGS

The property is a detached two storey dwelling located in a predominantly residential area and features properties of a similar design and style. The property is not situated in a Conservation Area, nor is it a listed building.

RELEVANT SITE HISTORY

WA/106/19/HH Single storey rear extension to accommodate

enlargement of kitchen/diner

ENF/268/19 Alleged unauthorised breach of planning control in respect of extension

ENF/268/19- Alleged unauthorised breach of planning control in respect of extension- Now resolved

REPRESENTATIONS

Representations Received:

Walberton Parish Council

Walberton Parish Council- No objection

Comments on Representations Received:

None

CONSULTATIONS

Consultations Responses Received:

None

Comments on Consultation Responses:

The proposal is submitted as a CLOPUD and not a CLEUD as it relates to works that have recently been completed and are not therefore proposed.

LEGISLATIVE BACKGROUND

Section 191 of the Town and Country Planning Act 1990 states:-

(1) If any person wishes to ascertain whether.

(a) any existing use of buildings or other land is lawful;

(b) any operations which have been carried out in, on, over or under land are lawful; or

(c) any other matter constituting a failure to comply with any condition or limitation subject to which planning permission has been granted is lawful,

he may make an application for the purpose to the local planning authority specifying the land and describing the use, operations or other matter.

(2) For the purposes of this Act uses and operations are lawful at any time if ..

(a) no enforcement action may then be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason); and

(b) they do not constitute a contravention of any of the requirements of any enforcement notice then in force.

If, on an application under this section, the local planning authority are provided with information satisfying them of the lawfulness at the time of the application of the use, operations or other matter described in the application, or that description as modified by the local planning authority or a description substituted by them, 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) Order 2015, Schedule 2, Part 1, Class B, which pertains to the additions etc to the roof of a dwellinghouse.

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

The proposed hip to gable roof extension with loft conversion and roof windows is considered to fall under Schedule 2 Part 1 Class B of the Town and Country Planning (General Permitted Development Order) (England) Order 2015.

Class B - additions etc to the roof of a dwellinghouse.

B.1 Development is not permitted by Class B if -

(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (changes of use);

(b) any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;

(c) any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse 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 verandah, balcony or raised platform, or
 - (ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe; or
- (f) the dwellinghouse 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 dwellinghouse;
- (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 dwellinghouse; and
- (c) any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse 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 is known as Missione Vecchia, which is a detached property and is not listed or within a Conservation Area. The proposed extension would be of materials to match that of the existing.

Examination of the site history has revealed no restrictions on Permitted Development.

The proposed hip to gable roof extension with loft conversion and roof windows complies with relevant sections (a),(b),(c),(d),(i)(ii),(e),(i),(ii),(f) and is 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 14/11/2019 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 development complies with the limitations of Schedule 2 Part 1 Class B of the General Permitted Development Order 2015.

FIRST SCHEDULE

Conversion of hip to gable roof extension and construction of rear dormer window in accordance with the limitations of Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) Order 2015. The materials match those of the original dwellinghouse.

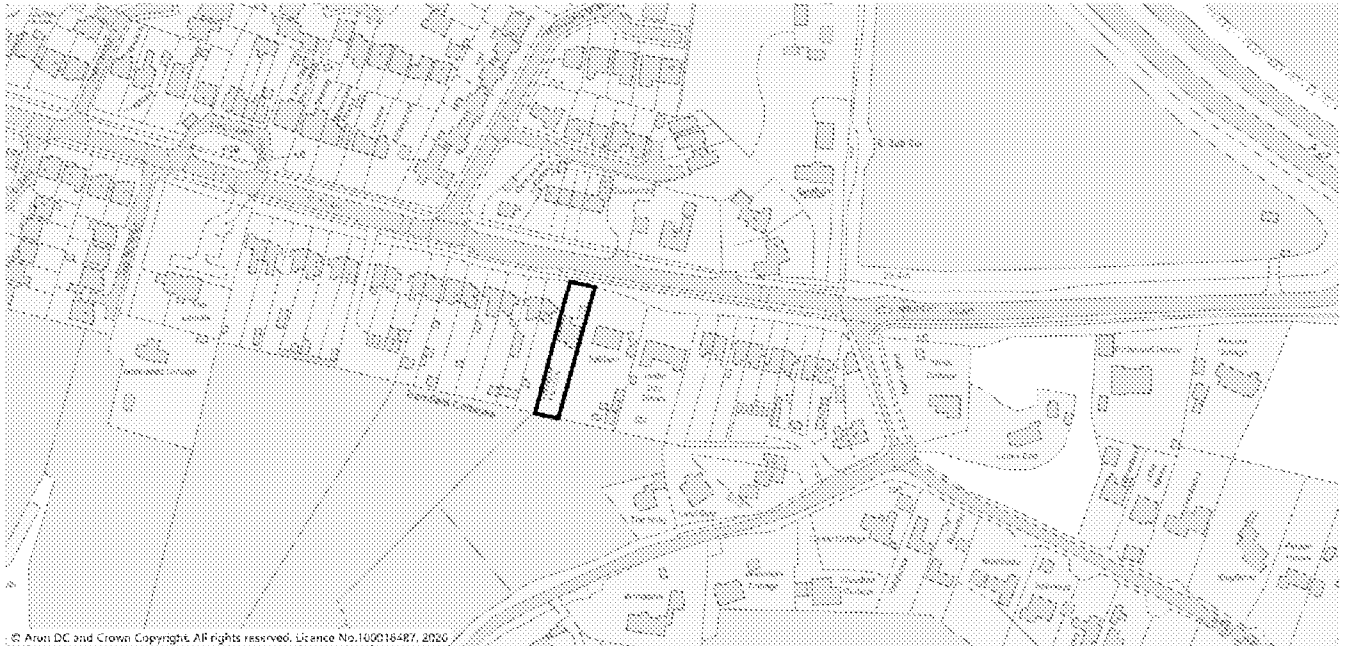
SECOND SCHEDULE

Missions Vecchia, Arundel Road, Fontwell

EXTENT OF USE

A hip to gable roof extension & rear dormer in accordance with Drawing No. 183031/09, 183031/10 submitted with this application.

WA/105/19/CLE - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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