

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

REF NO: WA/12/13/CLP

LOCATION: Hatpins
Avisford Park Road
Walberton

PROPOSAL: Application for a Lawful Development Certificate for proposed front roof lights and rear dormer

DESCRIPTION OF APPLICATION

The proposal involves the formation of a flat roof dormer within the eastern (side) roof slope of the dwelling.

DESCRIPTION OF SITE AND SURROUNDINGS

The site is occupied by a detached chalet style dwelling which has had two dormer windows added to it, within the western and southern roof slopes respectively.

RELEVANT SITE HISTORY

Dormers added in the past have not required planning permission.

REPRESENTATIONS

Representations received:

Comments on Representations received:

CONSULTATIONS

Planning Solicitor

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 proposal will be assessed against criteria contained within The Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 Part 1, Class B which sets out the scale of works that can be carried out in relation to roof extensions without needing to obtain planning permission as well as Class C of that same order, which relates to other roof alterations, including provision of roof lights.

CONCLUSIONS

The proposal involves the extension of the existing roof of the dwelling to form a dormer housing two bedrooms and a bathroom. The scale of this form of development that is permitted for a terraced dwelling, such as No. 16 Clarence Drive, is governed by criteria set out in The Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 Part 1, Class B. Consequently, the proposal will be assessed against criteria within this part of the order to ascertain whether planning permission is required or not.

Criterion B.1 (a) states that a roof extension should not exceed the height of the existing roof. The top of the proposed dormer matches that of the existing building and, 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 on a side roof slope and would not project to the front, therefore, this criterion is satisfied.

(c) states that the maximum increase in volume (from that of the roof space in the original dwellinghouse) for a detached dwelling is 50 cubic metres. This is a cumulative value which takes any existing roof extensions into account. There are two dormers already installed at the property. The proposed dormer will further increase the original roof space by 9 cubic metres. However, measurements taken of existing features show that the increase in volume would not push the cumulative increase over the 50 cubic metres threshold.

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. Any certificate issued will be on this basis.

A further requirement that needs to be met in order for a roof extension to be classed as permitted development is that the edge of it closest to the eaves of the original roof shall, as far as practicable, be set at least 20cm from the eaves of the original roof. The accompanying plans show a distance of 20cm between the wall of the proposed dormer and the roof eaves and this confirms that the minimum distance is maintained.

The proposed dormer includes an eastern (side) facing elevation. There are restrictions on the form of windows and openings that can be made in a side facing elevation of a dormer. However, the proposed dormer will not contain any side facing windows and, as such, these restrictions are not applicable.

Other criterion within section B of the order are not applicable to this specific scheme.

Class C (a) allows for roof alterations, such as roof lights and sun pipes, to be installed provided they do not project more than 150mm from the plane of the roof slope. Accompanying sections show the roof lights to be flush with the plane of the roof slope, thereby satisfying this requirement.

It has been demonstrated above that the proposed extension falls within the parameters set out in The Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 Article 3 Part 1 Classes B & C and, as such, planning permission is not required as the extension qualifies as Permitted Development.

RECOMMENDATION

PP NOT REQUIRED

The Arun District Council hereby certify that on the 3rd of April 2013 the use hereby described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged boldly on the plan attached to this certificate was lawful within the meaning of section 191 of the Town and Country Planning Act 1990 (as amended), for the following reason:-

The proposed works comply with relevant criteria within The Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008, Part 1, Classes B & C and, therefore, constitute Permitted Development.

FIRST SCHEDULE

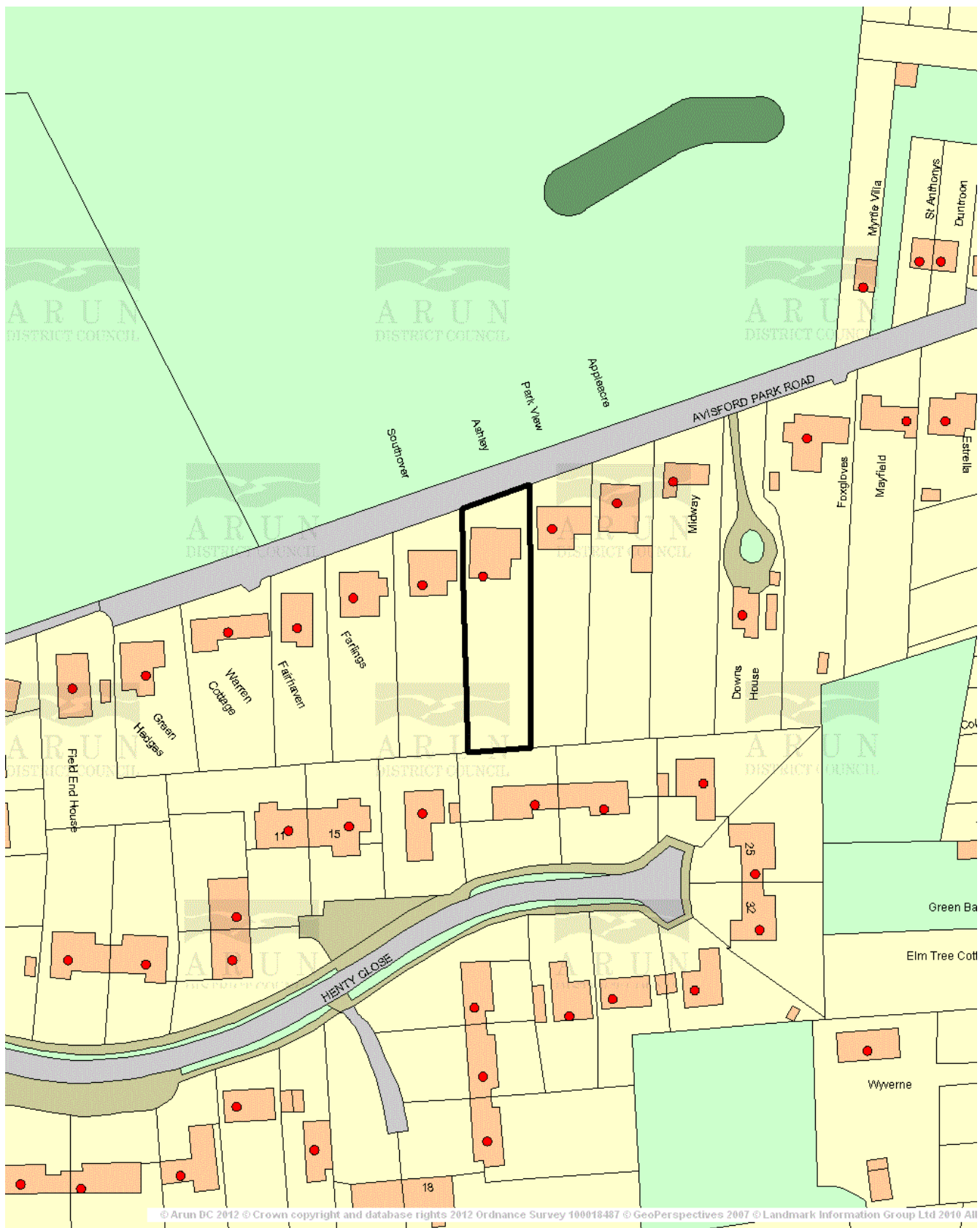
The scheme will result in an increase in roof volume of 9 cubic metres. The certificate is granted on the basis of information on plans accompanying the application which are held on record and is valid for the work shown only.

SECOND SCHEDULE

Hatpins, Avisford Park Road, Walberton, West Sussex, BN18 0AP

EXTENT OF USE

The development involves a flat roof roof dormer installed within the eastern roof slope of the existing dwelling.



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