

Statement as to why we consider that a Lawful Development Certificate should be granted for these proposals.

We believe a certificate of Lawful development should be granted as these proposals constitute development, granted as Permitted Development under Schedule 2, Part 1, of the Town and Country Planning (General Development) Order 1995.

In the order one gets classes of Permitted Development from Classes A to H, and after each definition there are a list of exceptions "Development not Permitted".

The starting point is under Class A namely "The enlargement, improvement or other alteration of a dwellinghouse" clearly our proposals are an alteration of the dwelling (see Bradford City MBC v Secretary of State for the Environment, 1978, 35P & CR 387, 14.10.77

However, as our proposals are an alteration to the roof of the dwellinghouse, and as such an alteration is classed as "Development not Permitted" under Class A.1(h) one has therefore to consider our proposals under either Class B or Class C, being the relevant classes dealing with "The Enlargement of a dwellinghouse consisting of an addition or alteration to its roof" or "Any other alteration to the roof of a dwellinghouse".

Class B deals specifically with development involving the enlargement of the roof of a dwellinghouse, covering the main development, Class C as defined within the DOE circular 9/95, General Development Order Consolidation 1995, "deals with roof alteration **"not"** involving enlargement, It provides that any alteration to the roof of a dwellinghouse is permitted development, provided that the shape of the dwellinghouse is not materially altered.

This does not permit extensions involving roof alterations(which are dealt with in Class B) but would generally permit the replacement of a roof, irrespective of the materials used, or the insertion of rooflights".

As our proposals are clearly an enlargement they must therefore fall under Class B, and as each class is mutually exclusive and where one has an alteration to any part of the roof, for the development to be permitted it must come within one or the other, and on the wording of the regulations it cannot come within both.(see Richmond London Borough Council v Secretary of State for the Environment and J.A.P Neale QBD, 12.3.91, EGCS 37)

Therefore in conclusion from the above, our proposal should be granted a certificate of lawful development as the main development is classed as permitted development under Class B and the rooflights under Class C, to schedule 2, part 1, of the Town and Country Planning (General Development) Order 1995, and do not foul any of the restrictions placed upon these two classes, and as far as we can ascertain the dwelling is not on article 1(5) land or in an area of outstanding natural beauty, or had its permitted development rights removed.