Development Control – Delegated Officer Report

Application Number: ADC/0032/09 **Recommendation – Certificate be granted**

Site: **65 Wembley Avenue, Lancing BN15 9JY**

Proposal: **Proposed extension of roof (side gable and rear dormer) to form room in roof (application for certificate of lawfulness)**

The Application

The application is to determine whether a planning application is required for the proposed roof enlargement comprising a side gable and large flat-roofed rear dormer on this semi-detached house.

The enlargement from a hip to a side gable has a volume of 17 cubic metres. The large rear dormer has a volume of 24.4 cubic metres, giving an overall total of 41.4 cubic metres. There has been no previous roof enlargement.

Assessment

The proposal is clearly 'development' as defined by section 55 of the T&CP Act 1990.

Class B of Part 1 of Schedule 2 to the Town & Country Planning (General Permitted Development) Order 1995 (as amended in 2008) confers permission (termed 'permitted development') for roof enlargements to dwellinghouses. It contains a number of limitations:-

(a) Must not exceed highest part of existing roof – the proposals meet this requirement.
(b) Must not extend beyond the plane of any roofslope forming a principal elevation and facing a highway - the side elevation is marginally angled towards the highway but is not a principal elevation and consequently the proposals meet this requirement.
(c) Cubic content of resulting roof space not to exceed that of original roof by more than 50 cubic metres – as stated above the proposed volume is 41.4 cubic metres and there are no previous enlargements of the roof, therefore this requirement is met.
(d) Must not include a balcony or a new or altered chimney, flue, soil or vent pipe – it only includes a 'de minimis' alteration to the existing side soil pipe and is not considered to breach this requirement.
(e) Must not be in a Conservation Area or AONB – it is not.

Conditions also apply, comprising:-

(a) exterior materials shall be of similar appearance to those of the existing building – the submitted plan states that the tile-hanging of the side gable wall will match the existing roof and the other surfaces are

depicted with the same tiles other than for the flat roof of the dormer. Although some Councils have regarded flat-roofed dormers as breaching this requirement, the Guidance recently issued by central Government (DCLG) expresses a contrary view, stating that it is the appearance that matters, not the type of material, and that colour, prominence and visibility are relevant factors "for example, the flat roof of a dormer at or near ridge height will often not be visible and we would hope planning authorities would consider this aspect". Taking account of this authoritative advice, the proposals meet this requirement.

(b) other than a hip to gable enlargement, the edge of the enlargement shall not be less than 0.2m from the eaves of the original roof – the proposed dormer is 0.45m from the eaves.

(c) Any side window shall be obscure-glazed and non-opening unless the opening part is more than 1.7m above floor level – the plan denotes that the side window will meet these requirements.

In conclusion, according to the recent DCLG advice, the proposals are 'permitted development' and do not require an application for planning permission.

Recommendation

That a Certificate of Lawfulness be issued that an application for planning permission is not required.

Description: Proposed extension of roof (side gable and rear dormer) to form room in roof

Land at: 65 Wembley Avenue, Lancing, shown outlined in red on the plan

Reason:- The proposed building works fall within the definition of 'development' as defined by section 55 of the Act but, owing to the provisions of Class B of Part 1 of Schedule 2 to the Town & Country Planning (General Permitted Development) Order 1995 (as amended in 2008), constitute 'permitted development' provided they comply with the details shown on the submitted plan and the external tiles of the sloping roofs and the vertical tile hanging of the rear dormer and side gable walls are similar in appearance to the roof tiles of the existing house.

Case Officer....Keith Mey.... Date.....5/2/09.....