Development Control – Delegated Officer Report

Application Number: ADC/0330/09 **Recommendation – Certificate be issued**

Site: **43 Myrtle Road, Lancing BN15 9HU**

Proposal: **Application for certificate of lawfulness for proposed rear dormer (to create extra bedroom with ensuite shower room) with extension of soil and vent pipe**

The Application

This application is to determine whether a planning application is required for the proposals to this mid-terraced house. The property is situated on the east side of Myrtle Road and backs onto the rear gardens of bungalows in Croshaw Close. The dormer is associated with a proposed loft conversion. No other external additions are proposed except for the existing soil and vent pipe which needs to be extended upwards.

The proposed dormer is stated by the agent on the plan to have a volume of 17 cubic metres. Scaling from the plans, it measures 4.8m wide, 2.3m maximum high and 3.1m maximum deep.

There have been no previous roof extensions; only a groundfloor rear conservatory (erected under PD rights and exempt from Building Regulations).

Assessment

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

The dormer constitutes the 'enlargement of a dwellinghouse consisting of an addition or alteration to its roof'. The relevant Class B of Part 1 of Schedule 2 to Article 3 of the Town & Country Planning (General Permitted Development) Order 1995 (as amended in 2008) confers permission (termed 'permitted development') for such enlargements. It contains a number of limitations:-

(a) Must not exceed the highest part of the existing roof of the house – the proposed dormer meets this requirement (see below for vent pipe).
(b) Must not extend beyond a roof plane forming the principal elevation of the original dwelling and facing the highway – the proposal meets this requirement as it is at the rear.
(c) The cubic content of the resulting roofspace would exceed that of the original roofspace by more than 40 cubic metres – the proposal meets this requirement as it is only 17 cubic metres.

(d) Must not include the alteration of a soil and vent pipe - the proposal does not meet this requirement as it includes an extension to the existing pipe (but see below).
(e) N/A (as it is not in a Conservation Area)

It also contains conditions:-

(a) The external materials shall be of similar appearance to the existing dwelling – the proposal is considered to meet this requirement as the plan states that the tile hanging will match the colour of the existing roof tiles. As regards the flat roof, Government guidance states that this should not normally be regarded as being of dissimilar appearance where the roof surface cannot be viewed from ground level.
(b) The edge of the enlargement shall not be less than 20cm from the eaves of the original roof – it meets this requirement as it is 0.9m from the eaves.
(c) N/A (as no side windows).

The soil and vent pipe extension falls within the separate Class G and complies with the only relevant limitation G.1 (a) that its height must not exceed the highest part of the roof by more than 1 metre, being only 0.3m above the ridge (and 0.5m above the dormer roof).

Recommendation

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

Description: Proposed rear dormer (to create extra bedroom with ensuite shower room) with extension of soil and vent pipe.

Land at: 43 Myrtle Road, 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.
The proposed dormer constitutes the 'enlargement of a dwellinghouse consisting of an addition or alteration to its roof'. It complies with the provisions of the relevant Class B of Part 1 of Schedule 2 to Article 3 of the Town & Country Planning (General Permitted Development) Order 1995 (as amended in 2008) provided its external tile-hanging is of similar appearance to the existing roof tiling.
The proposed soil and vent pipe extension complies with the relevant Class G of Part 1 of the above Schedule 2 provided it does not exceed the highest part of the roof of the dwellinghouse by more than 1 metre.

Case Officer... [redacted] Date... 26/8/09.....