**Expiry Date –12/10**

# Development Control – Delegated Officer Report

**Application Number: AWDM/1281/17 Recommendation – Approve**

**Site:** **81 Hammy Way, Shoreham**

**Proposal:** **Application for a Lawful Development Certificate for proposed single-storey side extension.**

Neighbours checked: Y

Additional neighbour notifications: N

Date of Site Visit: 12/9

## Site and Surroundings

This application relates to a semi detached bungalow (single family dwellinghouse) on the east and south side of Hammy Way, as it is on a corner. The property has its front door and gate in the west facing wall and the southern garden is enclosed by a wall and fence. There is a double garage on the southern boundary of the site with vehicle access from Hammy Way.

The property is not in a conservation area, is not listed and there are no protected trees on the site.

## Proposal

The application seeks to determine whether the proposed construction of a single storey extension off the south wall, in place of an existing conservatory is lawful. The extension is 4.5 metres deep, the full depth of the bungalow and has an eaves height of 2.5 metres and a ridge height of 2.9 metres.

## Relevant Planning History

SU/167/65 – Garage. Granted 3.8.65

SU/122/60 – Conservatory. Granted 20.6.60

## Consultations

## Legal Services:

*'From your instruction I understand that you are looking for advice and assistance in relation to the definition/meaning of 'principal elevation' in the context of the GPDO.*

***Definition of Principal Elevation – England***

*Unfortunately there is no specific definition as to what constitutes the principal elevation of a property. This must therefore be considered taking into accounts the facts of the particular application looking at the property in question.*

*In accordance with the guidance issued by DCLG regarding the GDPO 2008, "Principal Elevation" is said to be:*

*"in most cases the principal elevation will be that part of the house which fronts (directly or at an angle) the main highway serving the house (the main highway will be the one that sets the postcode for the house concerned). It will usually contain the main architectural features such as main bay windows or a porch serving the main entrance to the house. Usually, but not exclusively, the principal elevation will be what is understood to be the front of the house.*

*There will only be one principal elevation on a house. Where there are two elevations which may have the character of a principal elevation, for example on a corner plot, a view will need to be taken as to which of these forms the principal elevation."*

*This guidance was last updated on 6th April 2017.*

*In an appeal decision dated* ***6th July 2015 Appeal Ref: APP/Y3615/X/14/2225854 5 Feldemore Cottages Holmbury St Mary Dorking RH5 6NH****, the inspector stated as follows;*

*"In my opinion, the location of the front door and porch, together with a large window originally serving a kitchen/dining room, point to the north-east elevation being the principal elevation of the original dwelling. In addition, it would have been the widest elevation of the property, and although it lacks any specific architectural detailing other than the porch it has an imposing gable with tile hung facade at first-floor level and above.*

*The Council has argued for the north-west elevation as the principal elevation of the original building; this originally had a door with a small window beside it, together with a slightly larger window at ground floor and a dormer window above. It is true that this is the first elevation that would be reached from the private track which currently links the property with Horsham Road. However, the door as shown in the drawing is secondary in appearance with no porch, in contrast to the door on the north-west elevation, which has the appearance of a "front door" and has an overhanging porch. In addition, according to Mr Tidy there was originally a footpath from Horsham Road which ran past the northeast boundary of No 5, which he says was the main access route to No 5's front door. The north-east elevation of the dwelling would have been visible from this path."*

*Taking this into consideration it is clear that in determining the principal elevation, at appeal, the inspectors may consider*

- *Original orientation*
- *Location of principal windows and doors*
- *Location/layout of the property*
- *Architectural detailing*
- *Boundary Treatment.*

*There appears to have been a number of planning appeals that refer to the definition of principal elevation, however I unfortunately do not have access to the planning jungle website in order to access these decisions, and you may wish to review directly if you have the opportunity. The case law would*

*suggest that a property can have two principle elevations, however I do not believe this to be the case in this instance.*

*In looking at how this may be applied in practice I have also considered how principle elevation has been treated in both Scotland and Wales,*

*The initial determination will be based partial on the matters of fact and degree based on the consideration of the above factors (see below for analysis).*

***Definition of Principal Elevation – Scotland***

*I have considered Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011 which indicates that principal elevation,*

*" means the elevation of the original dwelling house which by virtue of its design or setting is the principal elevation."*

*Where the principal elevation is not immediately obvious the following matters should be taken into consideration,*

- *Location of main door;*
- *Windows;*
- *Room layout;*
- *Relationship to road;*
- *Boundary treatment;*
- *Orientation of adjacent properties;*
- *Architectural ornamentation.*

*This detail is taken from the document that you have attached.*

***Definition of Principal Elevation - Wales***

*Principal elevation is a key concept. It is used to identify the elevation of the original dwelling house which by virtue of its design or setting, or both, is the main or "principal" elevation.*

*Guidance in relation to the definition of principal elevation has been given which indicates that where it is not immediately obvious the following factors can be taken into consideration;*

- *Architectural detailing*
- *Windows*
- *Relationship to Highway*
- *Character, architectural detailing, layout and orientation of adjoining and other properties in the street scene*
- *Original orientation of the property*
- *The layout of the property and access arrangements*

- *Boundary Treatment*

***Case Analysis***

*Having reviewed the block plan, current layout, proposed layout, and considered the site on google earth I take the view that the property has a single principal elevation, and that that elevation runs along the west side of the property and that this is the principal or main elevation. The extension proposed will therefore run from a side elevation rather than the rear of the property. I have formed this view for the following reasons:*

*1. Layout – the layout of the property suggests that the front of the property is sighted to the west of the building. Whilst there are large windows to the two northerly bedrooms the main access to the property is orientated so that you access from the west side. Internally there is a corridor running north/south giving access to the various rooms internally suggesting a layout of rooms south/north rather than east/west as I would expect to see in a property whose principal elevation is to the north.*

*2. Boundary Treatment – There is no access to the property from the northern end, with both driveway, garage, and access path to the front door being situated on the western edge of the property, together with access to the garden area. Although I do note that the private garden does fall to the south of the property, I consider that this arises as a result of the adjoin property at number 79.*

*3. Principal door – The main door to the property is sited in the western wall of the property, with secondary access doors to the kitchen and conservatory.*

*4. Windows – Per paragraph 1 above.*

*5. Orientation of adjacent properties – Principal elevation for number 79 would be the north elevation. The orientation of the properties directly to the west (47 & 49) have their main fascia's directing into the road on the east side of these properties. My view is that number 81 is intended to directly mirror those properties in order to make the street scene work.*

*6. Relationship to road – The longer length of the property runs along the north/south part of Hammy Way, with a small element transgressing the East/West road. The property has its garage sited in the north/south Road, and my view is that it was intended that the north/south access road be treated as the dominant part of the highway for the purpose of the property.*

## Representations

None undertaken.

## Planning Assessment

## RELEVANT LEGISLATION:

The Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 Schedule 2 Part 1 'Development within the curtilage of a dwellinghouse'

## GPDO

**Class A – enlargement, improvement or other alteration of a dwellinghouse**

**Permitted Development**

**A. The enlargement, improvement or other alteration of a dwellinghouse.**

**Development not permitted**

**A.1** Development is not permitted by Class A 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) as a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);
(c) the height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;
(d) the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;
(e) the enlarged part of the dwellinghouse would extend beyond a wall which—
(i) forms the principal elevation of the original dwellinghouse; or
(ii) fronts a highway and forms a side elevation of the original dwellinghouse;
(i) the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres;
(j) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would—
(i) exceed 4 metres in height,
(ii) have more than a single storey, or
(iii) have a width greater than half the width of the original dwellinghouse; or
(k) it would consist of or include—
(i) the construction or provision of a verandah, balcony or raised platform,
(ii) the installation, alteration or replacement of a microwave antenna,
(iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or
(iv) an alteration to any part of the roof of the dwellinghouse.

**Conditions**
**A.3** Development is permitted by Class A subject to the following conditions—
a) the materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;
(b) any upper-floor window located in 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; and
(c) where the enlarged part of the dwellinghouse has more than a single storey, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.

## Planning Assessment

This property is a single family dwelling and not in a conservation area. The property has its principal elevation facing west which makes the proposed extension a side extension, confirmed by Legal Services. The side elevation does not front a highway.

The proposed extension will not exceed the highest part of the roof. It has a matching eaves line to the existing bungalow which is less than 3 metres in height. The maximum height is also less than 3 metres.

The original dwelling house is 9.5 metres wide. The proposed extension is 4.5 metres wide, less than half the width of the original house.

The property has a large curtilage with only the southern garden privately enclosed. The west and north frontages are fairly substantial. The extension together with the existing large garage will not cover more than 50% of the property's curtilage.

The proposal does not consist of or include —
(i) the construction or provision of a verandah, balcony or raised platform,
(ii) the installation, alteration or replacement of a microwave antenna,
(iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or
(iv) an alteration to any part of the roof of the dwellinghouse.

Matching materials are shown to be used.

The proposed extension is permitted development.

**Recommendation ISSUE CERTIFICATE** for the following reason:

The proposed single storey extension shown in drawing EAD/0043/17/02 Revision B received 27/9/17 constitutes 'development' as defined by Section 55 of the Act and is 'permitted development' under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Is recommendation contrary to any representations? n/a

Case Officer signed: MOK Date: 5/10/17

Authorised and signed by: Peter Barnett Date: 5 October 2017