Development Management - Delegated Officer Report

Application Number: AWDM/1541/19 Recommendation – Refuse

Site: 22 Upper Boundstone Lane, Lancing

Proposal: Application for a Lawful Development Certificate for existing hip to gable roof extension and rear dormer.

Date of site visit: 28 October 2019

Proposal, Site and Surroundings

The application site is a semi-detached bungalow on the east side of Upper Boundstone Lane. This application is for a Lawful Development Certificate for an existing roof extension and is therefore a determination of whether the works comprise permitted development. The planning merits of the works are not for consideration as part of this application.

The application is seeking a determination specifically as to whether the hip to gable side roof extension and rear dormer extension are permitted development. Other works have commenced at the property comprising a rear ground floor extension with raised terrace and side extension and these do not form part of this application. They are the subject of a separate application for planning permission, reference AWDM/1542/19.

Relevant site history

None relevant

Consultations

None

Representations

N/A

Relevant Government Guidance

Government guidance is contained in the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, which sets out the rules concerning what extensions, improvements and alterations a householder may make to their house without requiring planning permission.

Technical guidance is contained in a document ‘Permitted development rights for householders’ which was updated in September 2019.

Planning Assessment

The volume calculation submitted with the application states that the volume of the roof extensions amounts to 48.72m3, within permitted development limits. The submitted plan also shows the rear dormer as sitting 0.3m above the existing eaves, with the dormer measuring 2.5m high and 8.4m wide. It is shown as being 0.7m below the ridge.

However, a site inspection has shown that the dormer has not been built in accordance with the submitted plans. It is much closer to the ridge and appears to be closer to the former eaves too. The eaves have been obliterated, however, through the construction of the ground floor extension (not shown on the submitted plans) which makes it very difficult to assess whether the dormer complies with Class B2 (b) of the Order which states that 'other in the case of a hip to gable enlargement, the edge of the enlargement closest to the eaves of the original roof shall, so far as practicable, be not less than 20 centimetres from the eaves of the original roof.'

The Council considers that if there are no eaves then it is not possible to comply with the condition. There is nothing in the technical guidance from DCLG that considers notional eaves or how to measure notional eaves. As it is a matter of fact, therefore, that the original eaves no longer exist, where the proposed development has been constructed it follows that the works cannot comply with the requirement or indeed its aim which seeks to ensure that part of the sloping area of the roof be retained when works are carried out.

The Council has previously been supported in this interpretation at an appeal in 2014 at 10 Woodards View (AWDM/1178/12). The Inspector concluded that:

"*In this case as the projecting part of the original eaves no longer exists it was simply not possible to set back the dormer 20 cm from the outermost edge of the eaves to the edge of the dormer as described in the Technical Guidance. The effect of the previous extension has been to alter the original roof such that the alteration to the roof envisaged within Class B is not applicable to the present appeal scheme*."

Furthermore, the plans submitted with the application are inaccurate and it is not therefore possible to grant a Certificate of Lawfulness on the basis of the submitted plans.

Accordingly it is considered that the proposal does not comply with the requirements of the Order and the Certificate should therefore be refused.

Recommendation

REFUSE for the reasons:-

1. The roof extension does not meet the requirements of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended. In particular, the extension does not comply with the requirements of Class B 2 (b) of Part 1 of Schedule 2 and the "permitted development rights for householders" Technical Guidance

2019 as there are no eaves to measure a 20cm set back from in accordance with the criteria for permitted development.

2. The plans submitted with the application do not accurately show the development as built. A Certificate of Lawfulness cannot therefore be issued.

Case Officer: Peter Barnett Date: 11 November 2019

Authorised by: Gary Peck Date: 11 November 2019