Development Control – Delegated Officer Report

Application Number: AWDM/0551/19 Recommendation – REFUSE

Site: 10 Ormonde Way, Shoreham-by-Sea, BN43 6YB

Proposal: Application for a Lawful Development Certificate for proposed rooflight to north west elevation and single storey rear extension.

Site visit: N

Proposal, Site and Surroundings
The proposal seeks confirmation, within an application for Lawful Development Certificate for a Proposed use or development, that the proposed rooflight to front (north-west) elevation and single-storey rear extension to south-east elevation are all permitted development as defined within the Town and County Planning (General Permitted Development) (England) Order 2015, as amended.

Planning Assessment

The development site is noted as originally an end of terrace house, but planning permission has been granted for a new dwelling adjoining which will therefore result in this dwelling becoming a middle of terrace house.

Principle

The proposal will be viewed against the criteria of permitted development, as laid out within The Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.

Consideration

Schedule 2, Part 1, Development within the curtilage of a dwellinghouse Permitted Development

Class A – Enlargement, improvement or other alteration of a dwellinghouse

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 the Schedule (changes of use);

Analysis: The dwellinghouse has not been created through change of use by virtue of Part 3.

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);

Analysis: The ground cover by extension(s) will not exceed 50% of the total area of curtilage.

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;

Analysis: Complies with the above.

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;

Analysis: Complies with the above.

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;

Analysis: N/A

f) subject to paragraph g) the enlarged part of the dwellinghouse would have a single storey and-
i) extend beyond the rear wall of the original dwellinghouse by more than 4m in the case of a detached dwellinghouse, or 3m in the case of any other dwellinghouse, or
ii) exceed 4m in height;

Analysis: Complies with the above.

g) For a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and-
i) extend beyond the rear wall of the original dwellinghouse by more than 8 m in the case of a detached dwellinghouse, or 6m in the case of any other dwellinghouse, or
ii) exceed 4m in height;

Analysis: Complies with the above

h) the enlarged part of the dwellinghouse would have more than a single storey and-
i) extend beyond the rear wall of the original dwellinghouse by more than 3m, or

ii) be within 7 m of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse;

Analysis: The proposed extension will not be more than a single storey, therefore i) and ii) do not need to be considered.

i) the enlarged part of the dwellinghouse would be within 2m of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3m;

Analysis: The extension is being created by enclosing an existing opening, and thereby is within 2m of the boundary curtilage, but the height of the eaves of the enlarged part will not exceed 3m

j) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would-
i) exceed 4m in height;
ii) have more than a single storey; or
iii) have a width greater than half the width of the original dwellinghouse; or
(iv) any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (e) to (j).

Analysis: i) the height will not exceed 4m in height; ii) will only be single storey; iii) **it will be greater than half the width of the original dwellinghouse**, **the enlarged part extending off an original side wall**; iv) it does not exceed the limits set out in mentioned paragraphs

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.

Analysis: None of the above apply.

A.2 In the case of a dwellinghouse on article 2(3) land:-

a) it would consist of cladding of any part of the exterior of the dwelling house with stone, artificial stone, pebble dash, render, plastic or tiles.
b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse;
c) the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwelling house.
d) any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (b) and (c).

Analysis: The dwelling is not on article 2(3) land.

A.3 Development is permitted subject to:-
a) materials must be of a similar appearance to those used in the construction of the exterior of the existing dwelling;
b) any upper-floor windows located in a wall or roof slope forming a side elevation must be:-
i) obscured-glazed, and
ii) non-opening unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed.
c) Where the enlarged part of the dwelling house has more than one storey or forms an upper storey on an existing enlargement of the original dwelling house the roof pitch of the enlarged part must so far as practicable be the same as the roof pitch of the original dwellinghouse.

Analysis: Complies with the above.

Class C – Alterations to the roof of a dwelling house

C.1 Development is not permitted by Class C if:-

a) The dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q.

Analysis: The dwellinghouse has not been created through change of use by virtue of Part 3.

b) The alteration would protrude more than 0.15m beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof;

Analysis: The rooflight does not appear to project more than 150mm beyond the plane of the roofslope, although this has not been confirmed.

c) The height of the highest part of the alteration would exceed the highest part of the original roof;

Analysis: The rooflight would not exceed the highest part of the original roof;

(d) it would consist of or include:-
i) the installation, alteration or replacement of a chimney, flue or soil and vent pipe; or
ii) the installation, alteration or replacement of solar photovoltaics or solar thermal equipment.

Analysis: The development does not include any elements in i) or ii).

C.2 Development is permitted subject to the condition that any window located on a roof slope forming a side elevation of the dwelling house must be:-

a) obscure-glazed, and
b) non-opening unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed.

Analysis: N/A

Recommendation Refuse

Decline to issue a Certificate of Lawfulness for Proposed Development, as the proposal fails Class A, J iii) as the ends of the extension are deemed to be side walls and because of this the submission of a planning application for the works will be required.

Further, unable to assess the rooflight as no information has been submitted or section received that gives information regarding the height of the rooflight beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof.

Reasons for Recommendation

The proposal constitutes 'development' as defined by Section 55 of the Town and Country Planning Act 1990, but is not deemed permitted development by Classes A j iii) and C b) of Part 1 Schedule 2 of Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.

Case Officer: Eve Hearsey Date: 10.06.2019

Authorised by: Peter Barnett Date: 10 June 2019