Development Management - Delegated Officer Report

Application Number: AWDM/1229/12 Recommendation – Approve

Site: **57 First Avenue, Lancing, West Sussex BN15 9QF**

Proposal: **Application for a Certificate of Lawfulness for the construction of a rear dormer extension to the roof space and for the installation of three roof lights on the front roof slope**

Date of site visit: 1st October 2012 (in connection with AWDM/0992/12, Withdrawn 03.10.12)

Neighbours checked: N/A
Additional neighbour notifications: N/A

Proposal, Site and Surroundings

A Certificate of Lawfulness under Section 192 of the Town and Country Planning Act 1990 (as amended by Section 10 of the Planning and Compensation Act 1991) is sought for a proposed dormer roof extension on the rear (east) elevation and for the installation of three roof lights on the front (west) elevation of 57 First Avenue, Lancing in connection with the conversion of the roof space into a fourth bedroom with an en-suite bathroom.

The property is a 2-storey, terraced, 3-bedroomed house, and a single dwelling. The property is not listed or within a Conservation Area. It is situated on the east side of First Avenue, between Crabtree Lane and Orchard Way. To the rear of the property is a private service road.

Detailed scaled plans of the proposed rear dormer, including its cubic content outside the existing roof space of the dwellinghouse and details of the external materials to be used in its construction, together with details of the proposed roof lights have been submitted.

Based on the submitted plans (Site Layout and Block Plan - Scale 1:100; Existing and Proposed Rear Elevation - Scale 1:50; Existing and Proposed Front Elevation - Scale 1:50; Proposed Section Scale - 1:50; and Proposed Loft Scale – Scale 1:50), the cubic content of the proposed rear dormer would be 24.33 cubic metres, i.e. 3.6 metres (width) ÷ 2 x 2.6 metres (height) x 5.2 metres (length). The dormer would be flat roofed. It would contain two casement windows, each of a different but similar design to the existing pair of casement windows below at first floor level. The dormer would be set in from the eaves of the roof by at least 20 centimetres. With an overall height of 2.6 metres, the dormer would be contained within the existing height of the rear roof slope and would finish 100 millimetres below the highest part of the roof of the dwellinghouse. The dormer would be clad in Vertical Marley Plain Concrete tile hanging, colour brown (as confirmed in an email from the applicant dated 21st November 2012).

The three proposed roof lights on the front roof slope of the dwellinghouse would be three identical 78 cm by 98 cm Velux toughened roof lights - code GHU M04 0059, which would project no further than 150 mm from existing roof plane of the dwellinghouse.

Consultations and Representations

None

Permitted Development Provisions

Class B in Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 provides that…the enlargement of a dwellinghouse consisting of an addition or alteration to its roof is permitted development, so long as it meets the following limitations and conditions:

B.1 (a) it does not exceed the height of the highest part of the existing roof;

(b) it does not extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway;

(c) the cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than –

(i) 40 cubic metres in the case of a terraced house, or
(ii) 50 cubic metres in any other case;

(d) it would consist of or include –

(i) the construction or provision of a verandah, balcony or raised, or platform, or
(ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe; or

(e) the dwellinghouse us on article 1 (5) land.

Conditions

B.2 Development is permitted by Class B subject to the following conditions –

(a) the materials used in any exterior work shall be of a similar appearance to those used in the construction of the exterior of the existing dwelling house;

(b) other than in the case of a hip-to-gable enlargement, the edge of the enlargement closest to the eaves of the original walls shall, so far as practicable, be not less than 20 centimetres from the eaves of the original roof; and

(c) any window inserted on a wall or roof slope forming the side elevation of the dwelling house shall 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.

Class C - **Permitted Development. C.** Any other alteration to the roof of a dwellinghouse.

Development not permitted by Class C if

(a) the alteration would protrude more than 150 millimetres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof;

(b) it would result in the highest part of the alteration being higher than the highest part of the original roof; or

(c) it would consist of or include –

(i) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or

(ii) the installtion, alteration or replacement of solar photovoltaics or solar thermal equipment.

Conditions

C.2 Development is permitted by Class C subject to the condition that any window located on a roof slope forming a side elevation of the dwellinghouse shall be -

(a) obscure-glazed; and

(b) 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.

Relevant Permitted Development Criteria Relation to this Application

From the above criteria for permitted development under Classes B and C in Part 1 of the Schedule to the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008, the following facts, relevant to the proposal, emerge:

(i) the proposed roof extension would not exceed the height of the highest part of the existing roof of the existing dwelling house (Class B.1 (a) refers);

(ii) the proposed roof extension would not extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway (Class B.1 (b) refers).

Note: The proposed dormer would extend the east side (rear) roof of the dwellinghouse, which is not the principal elevation of the dwellinghouse or a roof slope that fronts a highway. The private rear service road is not a highway.

(iii) the cubic content of the resulting roof space would not exceed the cubic content of the original roof space of this detached dwelling house by more than 50 cubic metres (Class B.1 (c) refers).

Note: The cubic content of the proposed roof extension, based on the submitted 1:50 scale plans and by external measurement would be 24.33 cubic metres.

(iv) the edge of the enlargement, i.e. the walls of the dormer, closest to the eaves of the original walls would not be less than 20 centimetres from the eaves of the original roof; and

(v) the materials used in the external work - *brown concrete tiles - are proposed to be of a similar colour and appearance to those used in the construction of the exterior of the existing dwellinghouse (which has modern dark brown interlocking concrete roof tiles on its roof slopes) (Class B.2 (a) refers). ***Note**: This has been clarified in an email from the applicant.

(vi) the proposed roof lights on the front roof slope would not protrude more than 150 millimetres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof (Class C.1 (a) refers).

Considerations/Lawful Development Assessment

In the light of the above findings, on the basis of the details shown on the submitted plans, Drawings: Site Layout and Block Plan - Scale 1:100; Existing and Proposed Rear Elevation - Scale 1:50; Existing and Proposed Front Elevation - Scale 1:50; Proposed Section Scale - 1:50; and Proposed Loft Scale – Scale 1:50) submitted on 3rd October 2012, and in the further particulars submitted on 21st November 2012, the proposal is considered to be permitted development under Classes B and C in Part 1 of the Schedule to the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008, and is therefore lawful.

A Certificate of Lawfulness should be issued.

Recommendation

Issue a Certificate of Lawfulness, on the basis of the submitted plan and the further particulars submitted only, as follows:

The proposed development, described in the submitted plans, Drawings: Site Layout and Block Plan - Scale 1:100; Existing and Proposed Rear Elevation - Scale 1:50; Existing and Proposed Front Elevation - Scale 1:50; Proposed Section Scale - 1:50; and Proposed Loft Scale – Scale 1:50) submitted on 3rd October 2012 and as regards the colour of materials for the proposed rear dormer, as clarified by the applicant in the further particulars submitted on 21st November 2012, is lawful by virtue of Classes B and C of Part 1 to the Schedule to the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008.

Case Officer: HBM Date: 26th November 2012

Authorised by: P Devonport Date: 27th November 2012