Development Management - Delegated Officer Report

Application Number: AWDM/0345/15 Recommendation – Approve

Site: **1 Victoria Road, Shoreham-By-Sea**
West Sussex, BN43 5LB

Proposal: **Application for Certificate of Lawfulness for proposed side dormers**

Date of site visit: N/A

Neighbours checked: Y

Additional neighbour notifications: N

Proposal, Site and Surroundings

This is an application for a Certificate of Lawfulness where the planning merits of the development cannot be taken into account. The application is seeking a Certificate in respect of two dormer windows to each of the east and west elevations.

The property is located on the corner of Victoria Road and Old Shoreham Road and comprises a bungalow. There is a pedestrian access to the property from Victoria Road with the main entrance door located on the south elevation which faces towards the road junction. The proposed dormers would be flat roofed and located on the east elevation facing Victoria Road and the west elevation facing (less directly) Old Shoreham Road. The dormers measure 2.7m wide on the east elevation and 2.5m wide on the west elevation. They are 2.6m high and project 3.6m from the roof. Their combined volume is approximately 48 cubic metres. The agent has confirmed that they will be obscure glazed and non-opening below 1.7m above floor level.

Relevant site history

None

Consultations

None

Representations

None received

Relevant Planning Policies

Not applicable

Planning Assessment

The dormers fall under Class B of Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). The provisions of Class E which are relevant to this case are as follows:

(a) the dormers will not exceed the height of the highest part of the roof
(b) No part of the dwelling would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway - in this case the property has three prominent frontages and the development will be highly visible from both Victoria Road and Old Shoreham Road. However, the Technical Guidance to Permitted Development for Householders published in 2010 states:

“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. Note, however, that in such cases the second elevation will also be subject to the restrictions under Class A if it is a side elevation and fronts a highway.”

This limits the principal elevation to one frontage despite recognizing that there will be cases where two frontages have the character of a principal elevation and requires an arbitrary singular choice to be made in such circumstances.

In the current case, there appears to be two frontages with the character of a principal elevation due to the property being on a corner plot. The Victoria Road frontage faces the road which gives the dwelling its postcode and number but does not contain the front door. However, there is an entrance gate and path plus vehicular access. The house elevation, however, appears as a secondary side elevation with only 2 small windows. The south elevation has much more of a principal character, containing the front door with porch canopy and two large windows on either side of the door, plus a third window within the gable end above the door. Despite not facing the road which gives it its postcode and address, and being partly obscured by a boundary hedge, it is considered that on this occasion the principal elevation is that on the south elevation.

The proposed dormers will be very prominent and unsightly. The rooms to be served by the obscure glazed dormers include bedrooms which will result in unsatisfactory living conditions. However, the planning merits of the case cannot be taken into account. Under the provisions of Class B.1 (b), the development is not considered to be forward of the principal elevation.

(c) The cubic content of the resulting roof space does not exceed 50 cubic metres
(d) The proposal does not include a veranda, etc
(e) The property is not on Article 1 (5) land
Conditions

(a) The external materials will match the existing dwelling
(b) The edge of the dormers will be more than 20cm from the eaves or extend beyond the outside face of any external wall
(c) Windows will be obscure glazed and non-opening below 1.7m above the floor of the room in which they are to be installed

Recommendation

APPROVE

The Adur District Council hereby certify that on (date of decision) the matter described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged in red on the plan attached to this certificate, was lawful within the meaning of Section 192 of the Town and Country Planning Act 1990 (as amended), and is APPROVED for the following reason: -

The proposed dormer windows as shown on drawing no. 02 Rev B received 12 March 2015 constitutes 'development' as defined by Section 55 of the Act and is 'permitted development' under Class B of Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended)

First Schedule

Proposed dormer windows

Second Schedule

1 Victoria Road, Shoreham-by-Sea

Case Officer: Peter Barnett Date: 16 April 2015

Authorised by: Gary Peck Date: 20 April 2015