Development Management - Delegated Officer Report

Application Number: AWDM/0062/23 Recommendation – APPROVE

Site: 65 The Gardens, Southwick, BN42 4AP

Proposal: Application for Certificate of Lawfulness for proposed loft conversion including hip to gable, rear dormer and rooflights to front roofslope.

Date of site visit: N/A

Neighbours checked: Y

Additional neighbour notifications: N

Site and Surroundings:

The site is located on the north side of The Gardens, Southwick, and is a two storey, end of terrace dwelling, with a Sussex pitched roof. It also has a two storey, hipped roof rear extension, and a single storey rear extension

The street contains predominantly two storey terraced dwellings, but there is also a mix of bungalows within the area.

The site is not a Listed Building or within a Conservation Area.

Proposal:

A Certificate of Lawfulness is sought for a:-

- Hip to gable roof extension;
- A flat roof rear dormer; and
- 3no. rooflights to front roofslope

Planning Assessment

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 - Permitted development rights

Part 1 - Development within the curtilage of a dwellinghouse.

Class B – additions etc. to the roof of a dwellinghouse

Permitted Development

B The enlargement of a dwellinghouse consisting of an addition or alteration to its roof

Development not permitted

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

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

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

b) The height of the roof extension would exceed the highest part of the existing roof;

Analysis: The ridge height of the hip to gable roof extension will be the same height as the existing roof ridge and therefore does not exceed the height of the highest part of the existing roof; and the flat roof of the rear dormer is below the highest part of the existing roof.

(c) the roof extension would extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway;

Analysis: the hip to gable will be to the side roof section, and the dormer will be to the rear roofslope, and both do not extend beyond the plane of the existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway;

(d) the cubic content of the resulting roofspace would exceed the cubic content of the original roof by more than:-
i) 40 cubic metres in the case of a terrace house, or
ii) 50 cubic metres in any other case.

Analysis: The submitted plans are notated that the hip to gable is $4.24m^{3;}$ and the rear dormer is $23.943m^{3;}$ making a cubic content of $28.18m^3$
The plans also show the cubic content of the non original roof over the existing rear extension as being $4.83m^3$ thereby making the total cubic content $33.01m^3$

The whole will not exceed the allowed $40m^3$

(e) it would consist of or include:-
i) the construction or provision of a verandah, balcony or raised platform, or
ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe;

Analysis: The chimney is shown to be untouched and the loft conversion does not include any of the above.

(f) the dwellinghouse is on article 2(3) land

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

(g) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses); or

Analysis: The dwellinghouse has not been created by virtue of Part 20.

(h) the existing dwellinghouse has been enlarged in reliance on the permission granted by Class AA (enlargement of a dwellinghouse by construction of additional storeys).

Analysis: The above does not apply.

B.2 Development is permitted subject to the following conditions:-

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

Analysis: The submitted plans are notated that the exterior materials to be of similar appearance to the existing.

(b) the enlargement must be constructed so that:-

i) other than in the case of a hip-to-gable enlargement which joins the original roof to the roof of a rear or side extension –

(aa) the eaves of the original roof are maintained or reinstated; and

(bb) the edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2m from the eaves, measured along the roof slope from the outside edge of the eaves, and

ii) other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension no part of the enlargement extends beyond the outside face of any external wall of the original dwelling house.

Analysis: The proposal complies with the above.

c) any window inserted on a wall or roof slope forming a side elevation of the dwelling house must be:-

i) obscure 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.

Analysis: There is no window being inserted within the side gable elevation;

Class C – other alterations to the roof of a dwellinghouse

Permitted development

C. Any other alteration to the roof of a dwellinghouse.

Development not permitted

C.1 Development is not permitted by Class C if—

(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class G, M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use);

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

(b) the alteration would protrude more than 0.15 metres 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 agent confirms in an email dated 24.02.2023 that the rooflights will not protrude above the 0.15m

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

Analysis: The rooflights or the dormer or the hip to gable will not be higher than 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.; or

Analysis: None of the above are shown on the plans

(e) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).

Analysis: Does not apply

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 must 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.

Analysis: No windows are shown to be located on a roofslope forming a side elevation etc. therefore the above does not apply.

Recommendation

Issue a Certificate of Lawfulness as the proposal is permitted development under Class B, and Class C within Schedule 2, Part 1, of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.

Reason for Recommendation

The proposal constitutes 'development' as defined by Section 55 of the Town and Country Planning Act 1990, and is permitted by Schedule 2 , Part 1, Class B and Class C of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.

Case Officer: Eve Hearsey Date: 09.03.2023

Authorised by: Peter Barnett Date: 9 March 2023