

Development Management – Delegated Officer Report

Application Number: AWDM/0469/26

Recommendation – REFUSE

Site: 63 Boundstone Lane, Sompting

Proposal: Application for Certificate of Lawfulness for a proposed rear dormer, including one side-facing and 2 rear-facing windows.

Site visit: N

Proposal, Site and Surroundings

Detached bungalow occupying a corner plot at the junction of Boundstone Lane and Cokeham Road. The principal elevation fronts Boundstone Lane.

It is proposed to construct an L-shaped dormer on the north and west roof slopes.

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

Consideration

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

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

B.1 Development is not permitted by Class B 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 height of the roof extension would exceed the highest part of the existing roof;

Analysis: The height of the enlargement does not exceed the height of 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 dwelling house and fronts a highway;

Analysis: The roof extension does not project beyond the plane of an existing roof slope which forms the principal elevation of the dwelling house 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 cubic content of the enlargement is measured to be 45.4 cubic metres, which does not exceed 50 cubic metres. However, Building Control records show two applications for roof extensions, both of which are shown to have been completed:

S/96/86/BR/12444 - New Gable And Alterations - Building Work Complete

S/100/87/BR/12443 - Rebuild chimney and roof extension - Building Work complete

Unfortunately the plans for these works are not available so the extent and volume of these works has not been verified. However, based on the descriptions it is very likely that they would have exceeded 5m³. It is therefore probable that the volume of those works, together with those now proposed (38.987m³) would take the total volume above 50m³.

(e) it would consist of or include:-

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

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

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

B.2 Development is permitted subject to:-

(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 extension would be finished in materials to match the existing building.

(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 eaves of the original roof would be maintained and the proposed enlargement would be set up 0.75m from the outside edge of the eaves, which is no less than 0.2m of the requirement. No part of the enlargement would extend beyond the outside face of any external wall of the original dwelling house.

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: It is stated on the plan that the window inserted on the wall forming a side elevation would be obscure-glazed and non-opening above the floor level below 1.7m.

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: It is stated on the plan that the rooflight(s) would not project more than 150mm beyond the plane of the roofslope.

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

Analysis: The rooflight(s) 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).

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

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

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: No window would be inserted on the roof slope forming a side elevation.

Conclusion

The onus of proof in a LDC application is firmly on the applicant. The Courts have held that the relevant test of the evidence on such matters is "the balance of probability".

In this case, on the 'balance of probability', in light of the Building Control records of previous roof extensions at the property, the LPA is not satisfied that the development is lawful and the application should be refused.

Recommendation

Refuse a Certificate of Lawfulness for Proposed Development as planning permission is required.

Reasons for Recommendation

The proposal constitutes 'development' as defined by Section 55 of the Town and Country Planning Act 1990 and, on the balance of probability, is not permitted by Class B of Part 1 Schedule 2 of Town and Country Planning (General Permitted Development) (England) Order 2015 because the volume of previous roof extensions, together with those now proposed would exceed 50m³.

Case Officer: Peter Barnett Date: 10 June 2026

Authorised by: Jo Morin Date: 11.06.2026