Development Control – Delegated Officer Report

Application Number: AWDM/0337/17		Recommendation – REFUSE Certificate
Site:	37 Woodards View Shoreham	
Proposal:	Application for a Lawful Development Certificate for a proposed dormer to west elevation and insertion of 1 no. rooflight in east elevation	

Site and Surroundings

This application relates to a detached chalet bungalow dwellinghouse in an outer residential suburb of Shoreham, on the beach. It is not in a conservation area and it is not a listed building. There are no protected trees on the site. Permitted development rights related to this dwellinghouse (C3) are intact.

Proposal

A determination is sought as to whether planning permission is required for a roof dormer to measure 2.5 metres in height, 3 metres in length, and 6.5 metres in width (giving a volume of 24.375 cubic metres) and insertion of 1 no. rooflight in east elevation.

The roof of the dwellinghouse building has already been extended in the 1990s, forming an extension to the rear gable end (SU/89/93/TP refers). This was unknown to the planning agent at the time the certificate was submitted.

Relevant Planning History

SU/89/93/TP
Ground and first-floor extension at rear and dormers in east side
Permitted 09-08-1993 (and implemented, but only partially as dormer not completed)

RELEVANT LEGISLATION:

The Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 Schedule 2 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) 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 this Schedule (changes of use);
(b) any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;
(c) any part of the dwellinghouse 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;
(d) 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 terrace house, or
(ii) 50 cubic metres in any other case;
(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; or
(f) the dwellinghouse is on article 2(3) land.

Conditions
B.2 Development is permitted by Class B subject to the following conditions—
(a) the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;
(b) the enlargement must be constructed so that—
(i) other than in the case of a hip-to-gable enlargement or an 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 0.2 metres 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 dwellinghouse; and
(c) any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse must 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.

Interpretation of Class B
B.3 For the purposes of Class B, “resulting roof space” means the roof space as enlarged, taking into account any enlargement to the original roof space, whether permitted by this Class or not.

B.4 For the purposes of paragraph B.2(b)(ii), roof tiles, guttering, fascias, barge boards and other minor roof details overhanging the external wall of the original dwellinghouse are not to be considered part of the enlargement.

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 M, N, P, PA or Q of Part 3 of this Schedule (changes of use);
(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;
(c) it would result in the highest part of the alteration being higher than the highest part of the original roof; or
(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.

Conditions
C.2 Development is permitted by Class C subject to the condition that any window located on 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.

Assessment

Class C

The agent has confirmed the rooflights would not extend from the plane of the roof by more than 150mm. The rooflights are to be fitted with obscure glazing and openable only 1.7metres above floor level.

Class B

The dwellinghouse building occupies a corner plot. Notwithstanding the annotations on the submitted drawings (which reference two ‘front’ elevations but one principal elevation facing Mardyke), the building’s design and layout is ambiguous to which elevations are the front and side. Entry into the building is via hall and kitchen doors, two of each exist on both the east and west elevations. The number and design of window openings in both east/west elevations are comparable, with the roof slopes in both directions largely unadorned. In contrast the south elevation has a feature first floor balcony with French doors that draws the eye, but no entrance. The principle outlook and aspect to the main living room is to this elevation as well. The vehicular access and driveway serving the building is located on the south elevation, but a pedestrian gate is located on the east elevation. In summary, there is sufficient ambiguity to question the accuracy of the annotations when clarity is required due to the consequence to the design of the dormer windows under criteria B.2(c).

The roof of the dwellinghouse building has already been extended in the 1990s, forming a rear gable end extension. According to the agent, the volume of this existing roof addition extension is 48 cubic metres. The volume of the dormer applied for under this certificate alone is 40.375 metres. Therefore the combined volume of existing and

proposed roof additions would well exceed the volume allowance available to a detached dwellinghouse (a maximum of 50 cubic metres). The planning agent was unaware of the existence of the earlier roof addition at the point of submission of the certificate.

Recommendation

REFUSE certificate for the following reason:

The roof dormer shown on drawing no: JB 386/building regulations 02 date valid 15 MAR 2017 does not meet the requirements of development permitted by Class B of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015. In particular, the combined volume of the proposed roof dormer and existing roof enlargement does not comply with the requirements of Class B.1 (d) (ii) and the ambiguity in the drawing annotations to ascertaining the side and front elevations does not comply with requirements of Class B.2 (c) (i) (ii).

Case Officer signed:	Matthew Porter	Date: 02-08--2017
Authorised and signed by:	Peter Barnett	Date: 3 August 2017