Expiry Date - 23/11/2022

# Development Control – Delegated Officer Report

**Application Number: AWDM/1539/22 Recommendation – APPROVE**

**Site: 186 Upper Shoreham Road Shoreham-by-sea West Sussex BN43 6BG**

**Proposal: Application for a Proposed Certificate of Lawfulness for a proposed loft conversion consisting of hip to gable, pitched roof dormer, front roof lights and solar panels to front elevation.**

**Site visit:** N

**Proposal, Site and Surroundings**

The property is a semi-detached two-storey dwelling on the north side of Upper Shoreham Road. The property is built in brick with a tiled roof. The site is not within a Conservation Area and the building is not Listed.

A Certificate of Lawfulness is sought for a proposed loft conversion consisting of hip to gable roof extension, pitched roof dormer to rear, front roof lights and solar panels to front elevation.

***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 does not exceed 50 cubic metres.

(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 no less than 0.2m from the outside edge of the eaves. 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:** There are no new windows inserted into a wall of roof slope forming a side elevation of the dwellinghouse and therefore I) and ii) do not need to be considered.

**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:** The rooflight(s) would not project more than 150mm beyond the plane of the roofslope as confirmed in an email from the agent.

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:** There are no new windows located on a roof slope forming a side elevation of the dwellinghouse so a) and b) are not applicable.

Schedule 2, Part 14, Renewable energy

**Class A Installation or alteration etc of solar equipment on domestic premises**

**Permitted development**
**A. The installation, alteration or replacement of microgeneration solar PV or solar thermal**
**equipment on—**
**(a) a dwellinghouse or a block of flats; or**
**(b) a building situated within the curtilage of a dwellinghouse or a block of flats.**

Development not permitted
A.1 Development is not permitted by Class A if—
(a) the solar PV or solar thermal equipment would protrude more than 0.2 metres beyond the plane of the wall or the roof slope when measured from the perpendicular with the external surface of the wall or roof slope;

**Analysis:** The proposed solar panels would not protrude more than 0.2m beyond the existing roof slope as confirmed in an email from the agent.

(b) it would result in the highest part of the solar PV or solar thermal equipment being higher than the highest part of the roof (excluding any chimney);

**Analysis:** The proposed solar panels would not project above the highest part of the roof (excluding the chimney).

(c) in the case of land within a conservation area or which is a World Heritage Site, the solar PV or solar thermal equipment would be installed on a wall which fronts a highway;

**Analysis:** The application site is not located within a conservation area or World Heritage Site.

(d) the solar PV or solar thermal equipment would be installed on a site designated as a scheduled monument; or

**Analysis:** The application site is not designated as a scheduled monument

(e) the solar PV or solar thermal equipment would be installed on a building within the curtilage of the dwellinghouse or block of flats if the dwellinghouse or block of flats is a listed building.

**Analysis:** The application building is not listed nor sited within the curtilage of a listed building.

**Conditions**

**A.2** Development is permitted by Class A subject to the following conditions—
(a) solar PV or solar thermal equipment is, so far as practicable, sited so as to minimise its effect on the external appearance of the building;

**Analysis:** With respect to the front facing panels, they would be located to the front roof slope of the application building. It is recognised that due to the orientation of the application property that it would not be practicable for the panels to sited on any other roof slope. Further, the proposed panels would be set back from the eaves so as to minimise the impact upon the external appearance of the building.

(b) solar PV or solar thermal equipment is, so far as practicable, sited so as to minimise its effect on the amenity of the area; and

**Analysis:** Solar panels would be located to the front roof slope of the application building. It is recognised that due to the orientation of the application property that it would not be practicable for the panels to sited on any other roof slope. Further, the proposed panels would be set back from the eaves so as to minimise the impact upon the visual amenity of the surrounding area.

(c) solar PV or solar thermal equipment is removed as soon as reasonably practicable when no longer needed.

**Analysis:** An informative is recommended to clarify to the applicant that in order to comply with the GPDO they are required to remove the solar panels as soon as is reasonably practicable or when it is no longer needed.

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**Recommendation**

Issue a Certificate of Lawfulness for Proposed Development, the submission of a planning application for the works will not be required.

**Reasons for Recommendation**

The proposal constitutes 'development' as defined by Section 55 of the Town and Country Planning Act 1990, but is permitted by Class B and Class C of Part 1 and Class A of Part 14, Schedule 2 of Town and Country Planning (General Permitted Development) (England) Order 2015.

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| Case Officer: | Elaine Rousseau | Date: 09/11/2022 |
| Authorised by: | Peter Barnett | Date: 10 November 2022 |