Development Control – Delegated Officer Report

Application Number: AWDM/1153/17 **Recommendation – Refuse**

Site: **76 Chester Avenue Lancing**

Proposal: **Application for Lawful Development Certificate for proposed rooms in roof with side hip to gable roof extension to south elevation and rear dormer to east elevation..**

Date of site visit: N/A

Neighbours checked: None undertaken

Additional neighbour notifications: N/A

Proposal, Site and Surroundings

This application is for a Lawful Development Certificate for an existing roof extension and is therefore a determination of whether the works comprise permitted development. The planning merits of the works are not for consideration as part of this application.

The application site is a semi-detached bungalow on the eastern side of Chester Avenue.

Relevant site history

Single storey rear extension which was permitted in 2005. L/231/04 refers.

Consultations: None

Representations: None

Relevant Planning Policies

None relevant, as the application will be adjudged on fact not merit.

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

named document, outlines the relevant criteria for the consideration of this application.

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 or Q of Part 3 of this Schedule (changes of use);

Analysis: The dwellinghouse is an existing dwellinghouse, and not as a change 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;

Analysis: The proposed section of the submitted plans, identify that the rear dormer will be some 250mm below the ridge 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;

Analysis: The principal elevation of the application site is the front (west) elevation, and fronts a highway. The rear dormer would be located on the east elevation, and thereby is not a principal elevation.

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;

Analysis: The measurement and calculation for the rear dormer is:-

$$\frac{4.5\text{m} \times 2.5\text{m} \times 6\text{m}}{2} = 33.75 \text{ cubic metres}$$

Analysis: The measurement and calculation for the hip to gable is:-

$$\frac{4.5\text{m} \times 2.6\text{m} \times 8.3\text{m}}{6} = 16.19 \text{ cubic metres}$$

The total cubic content of 49.935 is within the permitted allowance.

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 pipe;

Analysis: None within this list is shown on the submitted proposed plans.

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

Analysis: Article 2(3) land is such things as a Conservation Area; or an AONB etc., and the dwellinghouse is not on any of the designated land.

The proposal thereby conforms with the requirements of this Class.

Conditions
B.2
There are conditions attached to this Class should the development be constructed. In the case of the proposed application, the materials used must match the existing dwellinghouse; the eaves of the original roof must be maintained or reinstate in the case of the rear dormer; and the rear dormer must not be less than 200mm from the eaves, measured along the roof slope from the outside edge of the eaves.

Analysis: The submitted plans state that all the materials will match existing; the eaves are shown as retained on the original dwellinghouse, but lost on the rear elevation by reason of the construction of the rear extension, which has obliterated the former eaves, thereby, the proposed rear dormer cannot meet this condition of this Class.

No part of the proposal can extend beyond the outside face of any external wall of the original dwellinghouse.

Analysis: No part of the proposed rear dormer or hip to gable as shown on the submitted plans, extend beyond the outside face of any external wall of the original dwellinghouse.

Any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse must be obscure-glazed, and 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 window in the side elevation of the dwellinghouse.

Schedule 2, Part 1, Development within the curtilage of a dwellinghouse, Class C – Other alterations to the roof of a dwellinghouse.

C1 Development is not permitted by this class if –

a)Permission to use the dwellinghouse as a dwellinghouse had been granted only by virtue of Class M, N, P or Q of Par 3 of this Schedule (changes of use);

Analysis: The dwellinghouse is an existing dwellinghouse and not as a change of use.

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 rooflights shown on the front roofslope are shown on the submitted plans to protrude approx. 0.1m beyond the plane of the slope of the original roof etc.

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

Analysis: None of the proposed development shown on the submitted plans will protrude 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.

Analysis: The plans do not indicate any of the above.

Conditions
C.2
Development is permitted by this class subject to the condition that any window located on a roofslope 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 1.7m above the floor of the room in which the window is installed.

Analysis: The submitted plans do not show any window located on the roofslope forming a side elevation of the dwellinghouse.

Conclusion

The proposal as indicated on the submitted drawings is contrary to the requirements of the Conditions B.2 within Class B – additions etc. to the roof of a dwellinghouse by virtue of the fact that the existing eaves have been obliterated on the rear elevation by the construction of the rear extension and cannot be reinstated.

The proposal as indicated on the submitted drawings is considered to comply with Class C – other alterations to the roof of a dwelling house and is thereby permitted development and will not require the submission of a planning application for other alterations to the roof outside of Class B above.

Recommendation

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

Reasons for Recommendation

The proposed development does not meet the requirements of the Town and Country Planning (General Permitted Development) (England) Order 2015 in that the proposed rear roof enlargement does not comply with the requirements of Conditions B.2 (b) of Class B, Part 1, Schedule 2 because the eaves of the original roof closest to the edge of the enlargement have been removed.

Case Officer: Elaine Rousseau Date: 20/09/2017
Authorised by: Gary Peck Date: 21 September 2017