Development Control – Delegated Officer Report

Application Number: AWDM/1413/21 Recommendation – APPROVE

Site: 10 Hill Farm Way, Southwick, BN42 4YJ

Proposal: Application for Certificate of Lawfulness for proposed loft conversion including hip to gable roof extension; rear dormer; 2no. rooflights to the front roofslope; and single storey rear extension

Site visit: Assessment has been assisted using the Applicants plan; Earthlight mapping; and Google 3D of the site

Proposal, Site and Surroundings

The proposal seeks confirmation, within an application for a Lawful Development Certificate for a Proposed use or development, that the proposed works for a loft conversion, to include a hip to gable roof extension; rear dormer; and front rooflights. Plus a single storey ground floor rear extension, are all permitted development as defined within the Town and County Planning (General Permitted Development) (England) Order 2015, as amended.

The property is a two storey, hipped roof, semi-detached dwelling, situated on a corner position on the south side of Hill Farm Way in Southwick.

Both no.'s 8 & 10, which are angled away from one another, have a linked garage positioned behind the properties, and have a side by side drive to reach them which then fan out to reach the garages behind the dwellings, plus the rear gardens have been narrowed to incorporate the garages.

Many of the properties within the street have dormers and or rear extensions. No. 6 has undertaken a hip to gable roof extension; a rear dormer; front rooflights; and a rear extension.

The site is not within a Conservation Area and the property is not a Listed Building.

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 A – enlargement, improvement or other alteration of a dwellinghouse

Permitted Development

A. The enlargement, improvement or other alteration of a dwellinghouse

Development not permitted

A.1 Development is not permitted by Class A 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);

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

(b) as a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);

Analysis: The total area of ground covered by buildings within the curtilage of the dwellinghouse does not exceed 50% of the total area etc.

(c) the height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;

Analysis: The height of the ground floor extension does not exceed the height of the highest part of the roof etc.

(d) the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;

Analysis: The height of the eaves of the ground floor rear extension would not exceed the height of the eaves of the existing dwellinghouse.

(e) the enlarged part of the dwellinghouse would extend beyond a wall which—
(i) forms the principal elevation of the original dwellinghouse; or

(ii) fronts a highway and forms a side elevation of the original dwellinghouse;

Analysis: The extension is to the rear, and none of the above

(f) subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and—
(i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or
(ii) exceed 4 metres in height;

Analysis: The property is a semi-detached dwelling and the proposed rear extension is less than 3m (1.92m shown) and its highest point is 3.105m

(g) for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and—
(i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or
(ii) exceed 4 metres in height;

Analysis: The dwelling is not on article 2(3) land etc., and is to be less than 3m in depth with a height less than 4m (2.932m shown)

(h) the enlarged part of the dwellinghouse would have more than a single storey and—
(i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or
(ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse being enlarged which is opposite the rear wall of that dwellinghouse;

Analysis: The proposal is for a single storey only

(i)the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres;

Analysis: The extension will be within 2m of the boundary etc., but the eaves height will be less than 3m

(j) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would— (i) exceed 4 metres in height, (ii) have more than a single storey, or (iii) have a width greater than half the width of the original dwellinghouse; or

Analysis: The proposed extension will not extend beyond the side elevation of the original dwellinghouse.

(ja) any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (e) to (j);

Analysis: None of the above apply

(k) it would consist of or include—

(i) the construction or provision of a verandah, balcony or raised platform,

(ii) the installation, alteration or replacement of a microwave antenna,

(iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or

(iv) an alteration to any part of the roof of the dwellinghouse.

Analysis: No to (i), (ii) and (iii), but there will be an alteration to the roof. See Class B below.

A.2 In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if—
(a) it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;
(b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or
(c) the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse.
(d) any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (b) and (c)

Analysis: The land is not on article 2(3) land – Conservation Area or Listed Building

Conditions

A.3 Development is permitted by Class A subject to the following conditions—

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

Analysis: The agent has confirmed in a submitted statement with all the documents, that all the materials will be similar in appearance to the existing dwelling.

(b) any upper-floor window located in 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; and
(c)where the enlarged part of the dwellinghouse has more than a single storey, or forms an upper storey on an existing enlargement of the original dwellinghouse, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.

Analysis: None of (b) or (c) apply to the single storey rear extension.

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

Permitted development

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, 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) 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 height of the enlargement does not 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 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 (the submitted application shows a calculation of 26.9m^3 for the rear dormer and 13.5m^3 for the hip to gable, making a total of 40.4m^3).

(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 application 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. (Conservation Area)

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

Analysis: The dwellinghouse was not built under 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 dwellinghouse has not been enlarged as stated

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 similar appearance to those used in the construction of the exterior of the existing dwellinghouse;

Analysis: Plan identifies materials of the tile hanging will match 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 eave, 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; and

Analysis: 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: The plans indicate that there are no new windows in the side elevation.

Class C – other alterations to the roof of a dwellinghouse

Permitted development - Any other alteration to the roof of a dwellinghouse.

Development not permitted

C1 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, 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 rooflight would not exceed 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 rooflight would not be higher than 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

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

Analysis: The alteration includes 2no. rooflights only and none of the other items 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: The 2no. rooflights are located on the front roofslope and not the side elevation.

Recommendation

Issue a Certificate of Lawfulness for Proposed Development, the submission of a planning application for the works relating to Class A, Class B and Class C will not be required.

Reasons for Recommendation

The proposed hip to gable roof extension; rear dormer; 2no.rooflights to the front roofslope; and the single storey rear extension constitutes 'development' as defined by Section 55 of The Town and Country Planning Act 1990, but is permitted by Schedule 2, Part 1, Class A; Class B; and Class C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

Case Officer: Eve Hearsey Date: 14.09.2021

Authorised by: Peter Barnett Date: 14 September 2021