Development Control – Delegated Officer Report

Application Number: AWDM/2180/21 **Recommendation – NOT PERMITTED**

Site: **8 Tower Road, Lancing, BN15 9HT**

Proposal: **Application for Certificate of Lawfulness for a proposed part hip to gable, rear dormer to roof for loft conversion, front porch and garden rooms (study/gym/store)**

Site visit: N/A

Site and Surroundings:

The application site is located on the north side of Tower Road, Lancing and is a brick faced, two storey end of terrace dwelling, with a gable end front and hipped rear roof. There is a canopied front entrance and vehicular access, drive and hardsurfaced front amenity area. The dwelling sits forward of its adjoining terrace and the neighbouring terrace to the west.

The locality comprises predominantly two storey terraced dwellings and many have hardsurfaced the front amenity area to provide car parking. Many have rear ground floor extensions, and some have undertaken roof extensions.

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

Proposal

A Certificate of Lawfulness is sought for a proposed loft conversion and roof extension, to include a hip to gable; rooflight to front side, east roofslope; dormer to rear (north); porch to front (south) and two outbuildings for use as garden room/study and gym/store.

The plans indicate that part of the development would be outside of the red edge of the application site.

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, 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) 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 ridge height of the hip to gable roof extension will be the same height as the existing roof ridge and does not exceed the height of the highest part of the existing roof; and the flat roof of the dormer is below 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 dwellinghouse and fronts a highway;

Analysis: the hip to gable will be to the rear roof section, and does not extend beyond the plane of the existing roof slope which forms the principal elevation of the dwellinghouse 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 submitted plans are notated with the cubic content of the enlargement (partial hip to gable and rear dormer), and the calculations show that the cubic capacity content for all would be 27.75 m^3 and therefore does not exceed the allowed 40m^3

(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;

Analysis: A Juliette balcony is shown, which does not include a balcony proper or raised platform etc., the development therefore does not show any of the above elements.

(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 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 house;

Analysis: The plans identify that the materials will have materials to match the existing dwelling, namely tile hung to match the existing roof.

(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 proposal 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: There is a rooflight within the side (east) roofslope, and there is no notation on the plans or application forms which indicate any or all of the above.

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);

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 agent's plans notate that the proposed roof light will not protrude more than 150mm above the plane of the roof slope.

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

Analysis: The rooflights etc., will not be 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 development does not show any of the above elements.

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: There is no notation or information given regarding the above matters, the application therefore fails on this point

Class D – porches

Permitted development

D. The erection or construction of a porch outside any external door of a dwellinghouse.

Development not permitted

D.1 Development is not permitted by Class D 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) the ground area (measured externally) of the structure would exceed 3 square metres;

Analysis: The ground area (measured externally) is approx. 2.03 square metres, therefore less than the 3 square metres

(c) any part of the structure would be more than 3 metres above ground level; or

Analysis: The height of the porch measures to be approx. 2.7m above ground level, thereby less than the allowed 3m

(d) any part of the structure would be within 2 metres of any boundary of the curtilage of the dwellinghouse with a highway.

Analysis: The porch will be set back from the curtilage of the dwelling with the highway by more than 2m

Class E – buildings etc incidental to the enjoyment of a dwellinghouse

Permitted development

E. The provision within the curtilage of the dwellinghouse of—

(a) any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure; or

(b) a container used for domestic heating purposes for the storage of oil or liquid petroleum gas.

Development not permitted

E.1 Development is not permitted by Class E 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) the total area of ground covered by buildings, enclosures and containers within the curtilage (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 covered by buildings etc. would not exceed 50% of the total area of the curtilage etc.

(c) any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse;

Analysis: The store/gym and the garden room/study are situated within the rear garden and therefore are not forward of the principal elevation etc.

(d) the building would have more than a single storey;

Analysis: The 2no. outbuildings will both be single storey

(e) the height of the building, enclosure or container would exceed—

(i) 4 metres in the case of a building with a dual-pitched roof,

(ii) 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse, or

(iii) 3 metres in any other case;

Analysis: The buildings will be within 2m of each of the rear and side boundaries, and are shown to be 2.5m in height, and therefore comply with (ii) above.

(f) the height of the eaves of the building would exceed 2.5 metres;

Analysis: The eaves would not exceed 2.5m in height

(g) the building, enclosure, pool or container would be situated within the curtilage of a listed building;

Analysis: The buildings will not be within the curtilage of a listed building

(h) it would include the construction or provision of a verandah, balcony or raised platform;

Analysis: None of the above

(i) it relates to a dwelling or a microwave antenna; or

Analysis: None of the above

(j) the capacity of the container would exceed 3,500 litres.

Analysis: Does not apply

E.2 In the case of any land within the curtilage of the dwellinghouse which is within—

(a) an area of outstanding natural beauty;
(b) the Broads;

(c) a National Park; or
(d) World Heritage Site,

development is not permitted by Class E if the total area of ground covered by buildings, enclosures, pools and containers situated more than 20 metres from any wall of the dwellinghouse would exceed 10 square metres.

Analysis: None of the above apply

E.3 In the case of any land within the curtilage of the dwellinghouse which is article 2(3) land, development is not permitted by Class E if any part of the building, enclosure, pool or container would be situated on land between a wall forming a side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse.

Analysis: The site is not within article 2(3) land

Interpretation of Class E
E.4 For the purposes of Class E, “purpose incidental to the enjoyment of the dwellinghouse as such” includes the keeping of poultry, bees, pet animals, birds or other livestock for the domestic needs or personal enjoyment of the occupants of the dwellinghouse.

Recommendation

A Certificate of Lawfulness for Proposed Development, is not approved by reason of part of the roof of the proposed development being outside of the red edge; and there is no confirmation that the rooflight within the side elevation is to 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.

The proposal would therefore fail Class B and C within Schedule 2 Part 1 of Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.

Reasons for Recommendation

The proposal has been considered against Class B; Class C; Class D; and Class E of the Town and Country Planning Act 1990, and it is found to constitute development as defined by Section 55, but is deemed to be NOT permitted by Class B; and Class C of Schedule 2 Part 1 of Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, by reason of part of the roof of the proposed development being outside of the red edge; and that there is no confirmation that the rooflight within the side elevation is to 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.

Case Officer: Eve Hearsey Date: 20.01.2022

Authorised by: Peter Barnett Date: 20 January 2022