Development Management - Delegated Officer Report

Application Number: AWDM/0134/24 Recommendation – APPROVE

Site: 17 Eastbrook Way, Southwick, BN41 1PS

Proposal: Application for a Lawful Development Certificate for proposed loft conversion by way of a hip to gable and rear dormer roof extensions, together with a front rooflight.

Date of site visit: N/A: Assessment has also been assisted using the Applicants plan; Earthlight mapping; and Google 3D of the site

Neighbours checked: Y

Additional neighbour notifications: N

Site and Surroundings:

The application site is a two storey, semi-detached dwelling, with an existing single storey rear extension. The dwelling is located at the north end of Eastbrook Way, a cul-de-sac. The property backs onto the east/west railway line, and there is an enclosed footbridge over the railway tracks, with access to the footbridge from a pedestrian path directly to the west side of the application site. There are also 2no. garage blocks directly abutting the site to the rear.

Properties in the Eastbrook Way are predominantly two storey terraced dwellings with some semi-detached dwellings also. There are also commercial properties within the close locality to the east of the application site.

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

Relevant Planning History: None

Proposal:

A Certificate of Lawfulness is sought for a:-

- Flat roof rear dormer measuring 5.45m wide x 2.88m deep x 2.83m high;
- Hip to gable roof extension with new window to gable end;
- New rooflight to front roofslope.

Planning Assessment

Principle

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 G, M, MA, 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 flat roof of the rear dormer is below the highest part (ridge) of the existing roof, and the hip to gable extension will be the same height as the ridge 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 rear dormer will not be onto the principal elevation etc. The hip to gable roof extension will not extend beyond the plan of the existing roofslope.

(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 plan has been notated with the external measurements of the dormer as being 2.83m x 2.88m x 5.45m. Which calculates the cubic capacity of the rear dormer, to be 22.24m^3 The hip to gable is shown on the plans to be 4.28m^3 The total cubic capacity thereby will be 26.52m^3 which is less than the allowed 50m^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: None of the 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); or

Analysis: The dwellinghouse has not been created by virtue of 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 above does not apply.

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 submitted plans are notated and say 'Tiled to match main 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 new window to be included within the new side gable wall has no opening window and is shown to be fixed shut, plus agents email dated 02.04.2024 confirms window will be obscure glazed.

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 G, 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 Agent has submitted an email dated 02.04.2024 to confirm that the rooflight will not project more than 150mm above 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;

Analysis: The rooflights etc., will not be higher than the highest part of the original roof, namely the ridge.

(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: None are shown on the submitted plans.

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

Analysis: The above does not 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 new window in the side elevation of the gable, is notated to be fixed shut. Plus there is no additional opening window on it, and an email from the Agent dated 02.04.2024 confirms that the window will be obscure glazed.

Recommendation

Issue a Certificate of Lawfulness as the proposal is permitted development by Class B and Class C within Schedule 2 Part 1 of Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.

Reasons for Recommendation

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

Case Officer: Eve Hearsey Date: 02.04.2024

Authorised by: Gary Peck Date: 3 April 2024