**Development Management - Delegated Officer Report**

**Application Number:** **Recommendation – Approve**
**AWDM/0008/14**

**Site:** **26 Silverdale Drive, Sompting, Lancing**
**West Sussex, BN15 9SB**

**Proposal:** **Lawful Development Certificate for proposed rooms in roof with side gable and rooflights to front and rear and Cabrio rooflights to rear.**

**Date of site visit:** 20 January 2014

**Neighbours checked: N/A**

**Additional neighbour notifications: N/A**

**Proposal, Site and Surroundings**

The application property is a semi detached bungalow in Silverdale Drive. It has been extended on its south side with a hip-roofed extension constructed in 2002. The current application is seeking a Certificate of Lawfulness for the extension of the original roof over part of the roof of the ground floor extension to form a gable. The roof as extended is to be converted into living accommodation to form two bedrooms and a bathroom with three velux rooflights to the front roofslope and one velux rooflight to the rear, plus three Cabrio roof windows at the rear which open out to form small balconies.

**Relevant site history**

S/54/01 – Single storey pitch-roofed extension on south side and detached garage at rear with interlinking screen wall

S/67/02 – Amendment to S/54/01 – addition of hipped roof on garage

**Consultations**

None

**Representations**

None

**Relevant Planning Policies**

Not applicable

**Planning Assessment**

A. The roof alterations fall under Classes B and C of Part 1 of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008. The provisions of Class B which are relevant to this case are as follows:

(a) no part of the works exceed the highest part of the existing roof

(b) the works do not extend beyond the plane of the existing roof slope which forms the principal elevation

(c) the cubic content of the resulting roof space (including the volume of the previous roof extension) is 48.2 cubic metres

(d) the issue of whether the proposal includes a balcony is a matter of debate. The Cabrio rooflights, when closed, have the appearance of rooflights and would be permitted under Class C. However, when opened, they form a balcony which allows the upper body to be fully outside the envelope of the building (as opposed to a Juliet balcony for example). Having sought legal advice and checking The Planning Jungle website, it appears that such features could be argued to fall within either Class. The applicant has provided evidence of a case in Brent which accepted the Cabrio system as a rooflight under Class C as it does not enlarge the roof. When opened, the rooflight would have a different appearance from a standard rooflight but Brent argued that “this is the same for various types of rooflight which have different styles of opening mechanism.” Having discussed this matter within this office, the conclusion is the same as in Brent; i.e. that they are rooflights and should be assessed under Class C as they do not involve any enlargement of the roof

(e) the house is not on article 1 (5) land

Conditions:

(a) The external materials will match the existing house.
(b) and (c) do not apply to this case

The provisions of Class C which are relevant to this case are as follows:

(a) The rooflights would not protrude more than 150mm beyond the plane of the roofslope
(b) No alterations would be higher than highest part of the original roof
(c) Not applicable to this case

Conditions are not applicable as the rooflights are not on the side of the roof.

**Recommendation**

The Adur District Council hereby certify that on (date of decision) the matter described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged in red on the plan attached to this certificate, was lawful within the meaning of Section 192 of the Town and Country Planning Act 1990 (as amended), and is APPROVED for the following reason: -

The proposed roof extension constitutes 'development' as defined by Section 55 of the Act and is 'permitted development' under Class B of Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).

The proposed rooflights and Velux Cabrio rooflights constitute 'development' as defined by Section 55 of the Act and are 'permitted development' under Class C of Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).

First Schedule

Roof extension and rooflights as shown on drawings and supporting information received 6 January 2014

Second Schedule

26 Silverdale Drive, Sompting

Is recommendation contrary to any representations? N/A

Case Officer signed: Peter Barnett Date: 4 February 2014

Authorised and signed by: Gary Peck Date: 4 February 2014