Development Control – Delegated Officer Report

Application Number: AWDM/0394/21 Recommendation – APPROVE

Site: 32 Croft Avenue, Southwick

Proposal: Certificate of Lawfulness for proposed loft conversion with rear dormer, front and side rooflights; single storey pitched roof rear extension

Site visit: N

Site visit: No, restricted due to Covid-19 restrictions.

Proposal, Site and Surroundings

Short Description: Certificate of Lawfulness for a proposed loft conversion with a rear dormer, front and side rooflights; as well as a single storey pitched roof rear extension.

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

Considerations

Schedule 2, Part 1, Development within the curtilage of a dwellinghouse

Permitted Development

Class A – Enlargement, improvement or other alteration of a dwellinghouse.

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 the Schedule (changes of use);

Analysis: This 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 ground covered by the proposed extension will not exceed 50% of the total area of curtilage, as outlined in the proposals.

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 proposed extension will not exceed the height of the highest part of the roof of the existing dwellinghouse. This has also been checked with the Agent, Mel Humphrey MRICS.

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 proposed eaves will not exceed the height of the highest part of the eaves of the existing dwellinghouse. This has also been checked with the Agent, Mel Humphrey MRICS.

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 enlarged part of the dwellinghouse does not extend beyond a wall which forms the principal elevation of the original dwellinghouse and does not front a highway which forms a side elevation of the original dwellinghouse. This has also been checked with the Agent, Mel Humphrey MRICS.

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 4m in the case of a detached dwellinghouse, or 3m in the case of any other dwellinghouse, or
ii) exceed 4m in height;

Analysis: The enlarged part of the dwellinghouse is 3 metres deep and 4 metres high.

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 m in the case of a detached dwellinghouse, or 6m in the case of any other dwellinghouse, or
ii) exceed 4m in height;

Analysis: The enlarged dwellinghouse has a single storey which does not extend beyond the rear was of the original dwellinghouse by more than 6 metres in length and 4 metres in height. This has also been checked with the Agent, Mel Humphrey MRICS.

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 3m,
or
ii) be within 7 m of any boundary of the curtilage of the dwellinghouse being enlarged which is opposite the rear wall of that dwellinghouse;

Analysis: The proposed extension will not be more than a single storey, therefore i) and ii) do not need to be considered. This has also been checked with the Agent, Mel Humphrey MRICS.

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

Analysis: The enlarged part of the dwellinghouse is within 2 metres of the boundary of the dwellinghouse to the side but the height of the eaves of the enlarged dwellinghouse do not exceed 3 metres. This was confirmed in writing after being checked with the Agent, Mel Humphrey MRICS.

j) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would-
i) exceed 4m in height;
ii) have more than a single storey; or
iii) have a width greater than half the width of the original dwellinghouse; or (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: The enlarged part of the dwellinghouse does not extend beyond a wall forming a side elevation of the original dwellinghouse.

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: None of the above apply in this application.

(l) 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.

A.2 In the case of a dwellinghouse on article 2(3) land:-

a) it would consist of cladding of any part of the exterior of the dwelling house with stone, artificial stone, pebble dash, render, plastic or tiles.
b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse;
c) the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwelling house.
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 dwellinghouse is not on article 2(3) land.

A.3 Development is permitted subject to:-

a) materials must be of a similar appearance to those used in the construction of the exterior of the existing dwelling;
b) any upper-floor windows located in a wall or roof slope forming a side elevation must be:-
i) obscured-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. c) Where the enlarged part of the dwelling house has more than one storey or forms an upper storey on an existing enlargement of the original dwelling house the roof pitch of the enlarged part must so far as practicable be the same as the roof pitch of the original dwellinghouse.

Analysis: The materials used in the building of the proposed structure will be of a similar appearance to those used in the construction of the exterior of the existing dwelling. This was confirmed in writing after being checked with the Agent, Mel Humphrey MRICS.

Class 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) 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);

(b) any part of the dwellinghouse would, as a result of the works, 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 dwellinghouse and fronts a highway;
(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;
(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; or
(f) the dwellinghouse is on article 2(3) land.; or
(g) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).;
or
(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 proposed volume allowance permitted in the proposal, in this case 50m³ (cubic metres) for a semi detached house, has not been exceeded and the proposal is not situated within a designated area. Furthermore, the dormer is situated upon the rear of the property. These elevations are not considered to be principal elevations and the dormers are not higher than the highest part of the roof. There are no verandas, balconies or raised platforms forming part of this proposal and the soil and vent would not exceed the highest part of the roof of the existing dwellinghouse. The rear dormer is clearly set back more than 200mm from the eaves level of the existing dwellinghouse roof also. This has also been checked with the Agent, Mel Humphrey MRICS.

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 a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;
(b) the enlargement must be constructed so that—
(i) other than in the case of a hip-to-gable enlargement or an 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 0.2 metres 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 dwellinghouse; and

(c) any window inserted on 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.

Analysis: All the materials to be used in the proposal are to be of similar appearance to the existing dwelling. The proposed roof lights will not protrude more than 150mm above the plane of the roof slope and any side facing windows would be obscurely glazed, either fixed shut or any fan light 1.7m above floor. This has also been checked with the Agent, Mel Humphrey MRICS.

Interpretation of Class B

B.3. For the purposes of Class B, "resulting roof space" means the roof space as enlarged, taking into account any enlargement to the original roof space, whether permitted by this Class or not.

B.4. For the purposes of paragraph B.2(b)(ii)—
(a) roof tiles, guttering, fascias, barge boards and other minor roof details overhanging the external wall of the original dwellinghouse are not to be considered part of the enlargement; and
(b) "rear or side extension" includes an original part of, or a subsequent extension of, the dwellinghouse that extends from the rear or side of the principal part of the original dwellinghouse.

Analysis: This proposal is within the interpretation of Class B set out in Schedule Part 1 of the Regulations.

Class C – Alterations to the roof of a dwelling house.

C.1 Development is not permitted by Class C 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 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 in this proposal would not project more than 150mm beyond the plane of the roofslope. All the materials to be used in the proposal are to be of similar appearance to the existing dwelling.

c) The height of the highest part of the alteration would exceed the highest part of the original roof;

Analysis: The rooflight(s) would not exceed 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 include any elements in i) or ii).

(e) 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.

C.2 Development is permitted subject to the condition that any window located on a roof slope forming a side elevation of the dwelling house 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: Side facing windows would be obscurely glazed, either fixed shut or any fan light 1.7m above floor. This has also been checked with the Agent, Mel Humphrey MRICS.

Recommendation

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

Reasons for Recommendation

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

Case Officer: **Mark Walker** Date**: 1st April, 2021**

Authorised by: Peter Barnett Date: 6 April 2021