Development Management - Delegated Officer Report

Application Number: AWDM/0206/22 Recommendation – APPROVE

Site: 11 Hawkins Road, Shoreham-By-Sea

Proposal: Application for a proposed Certificate of Lawfulness for a rear dormer and a rooflight and removal of chimney.

Date of site visit: 7th December 2021 when assessing previous application.

Neighbours checked: Y

Additional neighbour notifications: N

Site and Surroundings

The application site is located on a street of similar properties in Hawkins Road in the built up area of Shoreham-By-Sea. It is a semi detached bungalow.

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 to include a rear dormer and front roof light.

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 height of the dormer will not exceed the existing ridge height of the property.

(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 dormer is to the rear roof slope.

(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 Design and Access Statement confirms that the volume proposed is 26 cubic metres.

(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: The proposed development does not show any of the above elements. The chimney will be removed which does not need consent.

(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 Design and Access statement confirms that all materials are to 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 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: No windows are proposed on the side elevation.

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 email dated confirms that the rooflight 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 rooflight 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 the chimney will be removed.

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 are no windows on the side roofslope.

Recommendation

A Certificate of Lawfulness for Proposed Development, be issued as the proposal conforms with Class B (The enlargement of a dwellinghouse consisting of an addition or alteration to its roof), and Class C (other alterations to the roof of a dwellinghouse), within Schedule 2, Part 1, of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.

Reasons for Recommendation

The proposal has been considered against Class B and Class C of the Town and Country Planning Act 1990, and it is found to constitute development as defined by Section 55, and is deemed to be 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: Hannah Barker Date: 1st March 2022

Authorised by: Peter Barnett Date: 1 March 2022

Representations

None received

Relevant Planning Policies

Adur Local Plan 2017 Policy 15
'Supplementary Planning Guidance' comprising: Development Management Standard No.2 'Extensions and Alterations to Dwellings''
National Planning Policy Framework (July 2021)
WSCC Guidance on Parking at New Developments (Sept 2020).

Planning Assessment

Principle

The relevant issues are the effects on the amenities of neighbouring residential occupiers and the effect on the character and appearance of the area.

Visual amenity

Residential amenity

Recommendation

APPROVE

Subject to Conditions:-

1. Approved Plans
2. Standard 3 year time limit

Is recommendation contrary to letter(s) of representation? N

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Case Officer: Date:

Authorised by: Date: