Development Management - Delegated Officer Report

Application Number: AWDM/1548/24 Recommendation – APPROVE

Site: 24 Phoenix Way, Southwick, BN42 4HQ

Proposal: Application for a Lawful Development Certificate for a proposed rooms in roof consisting of hip to gable, rear dormer and front roof lights.

Date of site visit: 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:

No.24 Phoenix Way is positioned at the junction with Phoenix Way and Phoenix Crescent, Southwick, and is a two storey hipped roof semi-detached dwelling, with a flat roof single storey rear extension. It also has a hipped roof detached garage sited between the house and the boundary to Phoenix Crescent, and an outbuilding within the rear garden.

The properties within the area are predominantly semi-detached dwellings of similar design, many of which have been extended to the rear and to the roof.

The site is not a Listed Building nor within a Conservation Area.

Relevant Planning History: None

Proposal:

A Certificate of Lawfulness is sought for roof extension comprising:-

- Hipped roof to a gable with 1no. window within the gable end;
- Rear flat roof dormer with 2no. windows. Dormer shown to measure 5.385m wide x 3.145m deep x 2.547m high;
- 2no. rooflights to front roofslope; and
- Extension of soil pipe.

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 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 Gable roof extension will continue the existing ridge of the roof across; and the rear flat roof dormer is lower than the ridge, therefore the height of the roof extension would not exceed 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 gable roof extension and the rear dormer extension will extend beyond the plane of the existing side and rear roofslope, but neither of which are the principal elevations.

(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 elevation plan has been notated and states that the cubic capacity of the rear dormer would be 21.56m^3 and the gable end roof extension will be 13.40m^3 making a total of 34.96m^3 which is less than the maximum 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: There will be an alteration to the soil and vent pipe which is covered below under Class G.

(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 for the loft conversion are notated and say that the tiles will match the existing dwelling.

(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: The plans are notated and state that the 600mm wide window obscurely glazed and fixed shut. It thereby complies with 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 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 Supporting Statement confirms that the rooflights will not exceed 0.15m beyond the plane of the slope of 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: There will be an alteration to the soil and vent pipe which is covered below under Class G.

(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 plan is notated to say that the 600mm wide window is obscurely glazed and fixed shut, and thereby complies with the above.

Class G – chimneys, flues etc on a dwellinghouse

Permitted development

G. The installation, alteration or replacement of a chimney, flue or soil and vent pipe on a dwellinghouse.

Development not permitted

G.1 Development is not permitted by Class G 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 height of the chimney, flue or soil and vent pipe would exceed the highest part of the roof by1 metre or more; or

Analysis: The supporting statement confirms that the soil and vent pipe would not exceed the highest part of the roof.

(c) in the case of a dwellinghouse on article 2(3) land, the chimney, flue or soil and vent pipe would be installed on a wall or roof slope which—

(i) fronts a highway, and
(ii) forms either the principal elevation or a side elevation of the dwellinghouse.; or

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

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

Analysis: The above does not apply.

Recommendation

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

Case Officer:	Eve Hearsey	Date: 04.02.2025
Authorised by:	Peter Barnett	Date: 4 February 2025