Development Control – Delegated Officer Report

Application Number: AWDM/1635/17 **Recommendation-Issue**

Site: **43 Tower Road, Lancing, BN15 0JR**

Proposal: **Application for Lawful Development Certificate for single storey rear extension to south elevation. Rooms in roof with roof light to front (north) elevation and rear dormer to south elevation**

Date of site visit: N/A

Neighbours checked: None undertaken

Additional neighbour notifications: N/A

Proposal, Site and Surroundings

The proposal seeks confirmation, within an application for Lawful Development Certificate for a Proposed use or development, that the proposed works for 1no. dormer within the rear roofslope and facing south; together with the provision of 1no. rooflight in the front north facing roofslope; and 1no. single storey extension to the rear (south) elevation, are all permitted development as defined within the Town & Country Planning (General Permitted Development) (England) Order 2015.

The application property, no. 43 Tower Road, Lancing, is located within a residential area and compromises a two storey, middle of terrace residential dwelling.

Relevant Planning History: None

Consultations: None

Representations: None

Relevant Planning Policies

None relevant, as the application will be adjudged on fact not merit

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

Consideration

Schedule 2, Part 1

Development within the curtilage of a dwellinghouse

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

Permitted Development

A. ***The enlargement, improvement or other alteration of a dwellinghouse.***

Development not permitted

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 or Q of Part 3 of this Schedule (changes of use);

Analysis: The dwelling is not as a result of a change of use.

(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 works will not exceed 50% of the total area of the curtilage etc.

(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 proposal is for a single storey rear extension would be lower.

(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 single storey rear extension would be much lower than the eaves.

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

Analysis: The extension will not be to the principal elevation; or front a highway; does not relate to (g); or exceed 4m in height.

(g) until 30th May 2019, 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 metres in
the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or
(ii) exceed 4 metres in height;
(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 3 metres, or
(ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse;

Analysis: Does not apply as proposal is smaller

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

Analysis: The single storey extension would be up to both side boundaries, but it will not exceed 3m in height.

(j) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would—

(i) exceed 4 metres in height,
(ii) have more than a single storey, or
(iii) have a width greater than half the width of the original dwellinghouse; or

Analysis: Does not extend beyond a side wall.

(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: Does not have or relate to i), ii), iii) or iv)

A.2 In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A
if—

(a) it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;
(b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or
(c) the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse.

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

Conditions
A.3 Development is permitted by Class A subject to the following conditions—
(a) the materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;
(b) any upper-floor window located in 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; and
(c) where the enlarged part of the dwellinghouse has more than a single storey, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse

Conditions
A.3 Development is permitted by Class A subject to the following conditions—
(a) the materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;
(b) any upper-floor window located in 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; and
(c) where the enlarged part of the dwellinghouse has more than a single storey, 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 applicant submitted documents indicates that:-

a) The materials will match existing;
b) There are no side windows proposed;
c) There is only a ground floor extension no upper floor (the dormer is considered under Class B below).

<u>Conclusion of rear extension</u>

The proposed single storey rear extension accords with the GPDO requirements.

Issue the LDC for the single storey rear extension.

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.***

B1 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 or Q of Part 3 of this Schedule (changes of use);

Analysis: The dwellinghouse is not as a result of a change of use.

b) any part of the dwellinghouse would, as a result of the works, exceeds the height of the highest part of the existing roof:

Analysis: The highest part of the proposed rear dormer is shown to be approx. 200mm lower than the ridge of the dwellinghouse. Therefore the dormer does not exceed 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;

Analysis: The dormer will be to the rear of the dwellinghouse roofslope and thereby not fronting the 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;

Analysis: The property is a middle of terrace house and using the agents calculations, the proposed dormer will total 22.63 cubic metres, which is below the 40 cubic metres maximum.

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.

Analysis: i) there is none
ii) There is a boiler flue/chimney on the lower part of the roof, but this belongs to the neighbouring property no.45, indeed what looks like the fire wall on the roof separating no. 45 from the application site, is not, the fire wall, applicant has sent in an additional plan and letter to show this fact.
iii) The site is not article 2(3) land.

<u>Conclusion for the rear dormer</u>

The proposed rear dormer accords with the GDPO requirements.

Issue LDC for the rear dormers

Class C- other alterations to the roof of a dwellinghouse

Permitted development

C. *Any other alteration to the roof of a dwellinghouse.*

Proposed 1no. rooflight to front (north) elevation

Analysis:

a) The dwellinghouse is not as a result of a change of use;
b) The agent has stated within the written submission that the rooflight will not protrude more than 150mm;
c) The height of the dormer will be below the ridge of the highest part of the original roof;
d) The works will not consist of or include the installation, alteration of a chimney, flue or soil and vent pipe, or alteration or replacement of solar photovoltaics or solar thermal equipment.

Conditions, the works do not include a window to be located on a roof slope forming a side elevation.

Conclusion for the front roof lights

Issue LDC for the front roof lights.

Conclusion

The proposal as indicated on the submitted drawings is considered to comply with 'Classes A, B and C of the Town and Country Planning (General Permitted Development) (England) Order 2015, and is thereby permitted development and will not require the submission of a planning application by that named legislation.

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 proposed works shown on the submitted plans constitute 'development' as defined by Section 55 of the Town and Country Planning Act 1990, but are permitted by Classes A, B and C of Part 1 Schedule 2 of Town and Country Planning (General Permitted Development) (England) Order 2015.

Case Officer: Eve Hearsey Date: 06.11.2017

Authorised by: Peter Barnett Date: 6 November 2017