Expiry Date - 03/11/2011

Development Control – Delegated Officer Report

Application Number:
AWDM/0634/11

Recommendation – Refuse Application

Site: **39 Hawkins Crescent Shoreham-By-Sea West Sussex BN43 6TN**

Proposal: **Rooms in roof with front and rear rooflights (Application for proposed Certificate of Lawfulness)**

The Application

The application property is a semi detached dwelling. The application is seeking a Certificate of Lawfulness for the installation of a front rooflight and a rear Velux Cabrio balcony rooflight.

The front rooflight measures 0.8m by 0.6m while the rear rooflight measures 0.9m by 2m. It has a dual opening system and opens into a small balcony which projects beyond the roof plane.

Consultations and Representations

Consultations/Comments

Third Parties

None

Relevant Planning Policies and Guidance

Not applicable

Planning Assessment

The rooflights fall under Classes B and C of Part 1 of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (which came into force on 1st October 2008). The provision of Class B which is relevant to this case is as follows:

(d) the rear rooflight would consist of or include –

(i) the construction or provision of a veranda, balcony or raised platform

Juliet balconies are considered permitted development because they do not enable a person to step out beyond the roof plane or the plane of the window itself and consequently do not result in overlooking directly to either side of the 'balcony'. The Cabrio balcony rooflight, by contrast, does allow a person to step beyond the roof plane and effectively step out of the room and is therefore more like a balcony. It does not fall within the definition of permitted development for Class B.

The front rooflight falls within Class C and is permitted development as it will not protrude more than 150mm beyond the roof plane

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 not lawful within the meaning of Section 191 of the Town and Country Planning Act 1990 (as amended), and is REFUSED for the following reason: -

The proposed rear balcony rooflight constitutes 'development' as defined by Section 55 of the Act and is not 'permitted development' under Class B of Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).

First Schedule

Rooms in roof with front and rear rooflights

Second Schedule

39 Hawkins Crescent, Shoreham-by-Sea

Informative: The front rooflight constitutes 'permitted development' under Class C of Part 1 of the Town and Country Planning (General Permitted Development Order) 1995 (as amended)

Case Officer Peter Barnett Date 8 November 2011

[redacted]