Expiry Date - 05/09/2013

Development Control – Delegated Officer Report

Application Number: AWDM/0841/13 **Recommendation – Issue Certificate**

Site: **190 Upper Shoreham Road Shoreham-By-Sea West Sussex BN43 6BG**

Proposal: **Application for a Lawful Development Certificate for proposed hip to barn end and pitched roof rear dormers and front rooflight**

Site and surrounds

The application property is a semi-detached house which has been extended at the rear (single storey rear extension). It has a hipped roof and front bay and porch.. Its paired neighbour has not been appreciably altered either.

Proposal

The proposal is to enlarge the roof by a hip to barn end gable and two hipped roof rear dormers and form an upper floor window in the new gable and also insert a rooflight in the front roof. Materials are to match the existing brick and plain tile roof.

Site visit

Planning Assessment

The determination of applications for Certificates of Lawfulness is restricted to consideration of the lawfulness of the proposal. Effectively, the issue for consideration is whether the proposal needs planning permission by means of an application, or, alternatively may be carried out without any such need because it is not development or is permitted development or is *de minimis* or is not a material change of use or is immune from enforcement and so has achieved lawfulness. The, otherwise, planning merits or de-merits of a proposal are outside of the scope of the determination and, to this extent, the representations received on such matters should be disregarded.

The relevant test for such an application is whether, on the balance of probabilities, the applicant has proven the proposed use is lawful.

The main issue appears to be whether the physical works fall under Permitted Development under “Part 1 Development within the Curtilage of a Dwellinghouse; Classes B and C

Class B

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) any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof; *This is not breached*

(b) 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; *This is not breached*

(c) the cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than—

(ii) 50 cubic metres in any other case; *This is not breached as the agent indicates the cubic volume in aggregate would be 30.06 metres* ^{3}

(d) it would consist of or include—

(i) the construction or provision of a veranda, balcony or raised platform *This is not breached*, or

(ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe; or

(e) the dwellinghouse is on article 1(5) land. *This is not breached*

Conditions

B.2 Development is permitted by Class B subject to the following conditions—

(a) the materials used in any exterior work shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse; *This is not breached*

(b) other than in the case of a hip-to-gable enlargement, the edge of the enlargement closest to the eaves of the original roof shall, so far as practicable, be not less than 20 centimetres from the eaves of the original roof; and *This is not breached*

(c) any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse shall 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.

The agent has supplied and further information to indicate that this is not breached

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.

Class C

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) the alteration would protrude more than 150 millimetres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof; *The agent has supplied and further information to indicate that this is not breached*

(b) it would result in the highest part of the alteration being higher than the highest part of the original roof; *This is not breached* or

(c) it would consist of or include—

(i) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, *This is not breached* or

(ii) the installation, alteration or replacement of solar photovoltaics or solar thermal equipment. *This is not breached*

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 shall 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.

This is not breached

Conclusion

A Certificate of lawfulness should accordingly be issued.

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Recommendation:

Issue Certificate

Reason for approval

The proposal as shown in drawings Proposals 03; 04; extract of 03 with cubic volume calculations; site plan/roof plan and is Permitted Development by reason of Part 1 of the General Permitted Development Order 1995 as Amended Town and Country Planning Act 190 As Amended; Development Within The Curtilage Of A Dwellinghouse; Class B. The enlargement of a dwellinghouse consisting of an addition or alteration to its roof and Class C. Any other alteration to the roof of a dwellinghouse.

Case Officer signed: *P Devonport* *Date: 30.8.13*

Authorised and signed by: Gary Peck Date: 2 September 2013