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24 September 2012

ADUR & WORTHING PLANNING SERVICES

PLAN	AWDM/1178/12
DATE VALID	27 SEP 2012

Dear Sirs

10 WOODARDS VIEW, SHOREHAM-BY-SEA
APPLICATION FOR A CERTIFICATE OF LAWFULNESS FOR A PROPOSED DEVELOPMENT

This letter is submitted in support of the above application for a certificate of lawfulness in respect of a roof extension at the rear of the above property.

This letter should be read in conjunction with the plans and documents submitted by Deacon and Richardson Architects.

The application relates to a roof extension and alterations that are permitted under classes B and C of the 2008 Order.

THE SITE

The application site accommodates a detached bungalow. The bungalow is not located in a conservation area, and has not had any previous extensions to its roof.

The site fronts onto Woodards View, with additional houses to the rear.

THE APPLICATION

This application is for the issuing of a Certificate of Lawfulness to confirm that the proposed works are permitted development under Classes B and C of the Town and Country Planning (General Permitted Development Order).

Each of these elements of the scheme is considered below, with commentary on how the scheme complies with the Order in blue font.

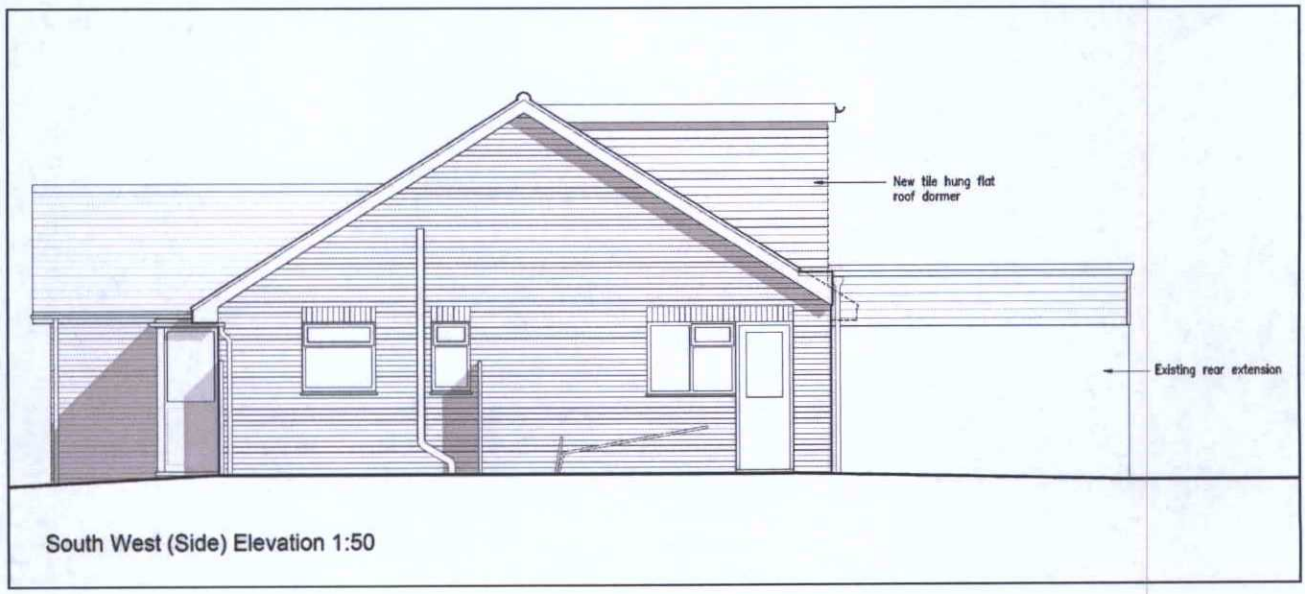
B) REAR ROOF EXTENSION

Class B of the Order permits extensions to existing roofs subject to the following restrictions and conditions:

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;

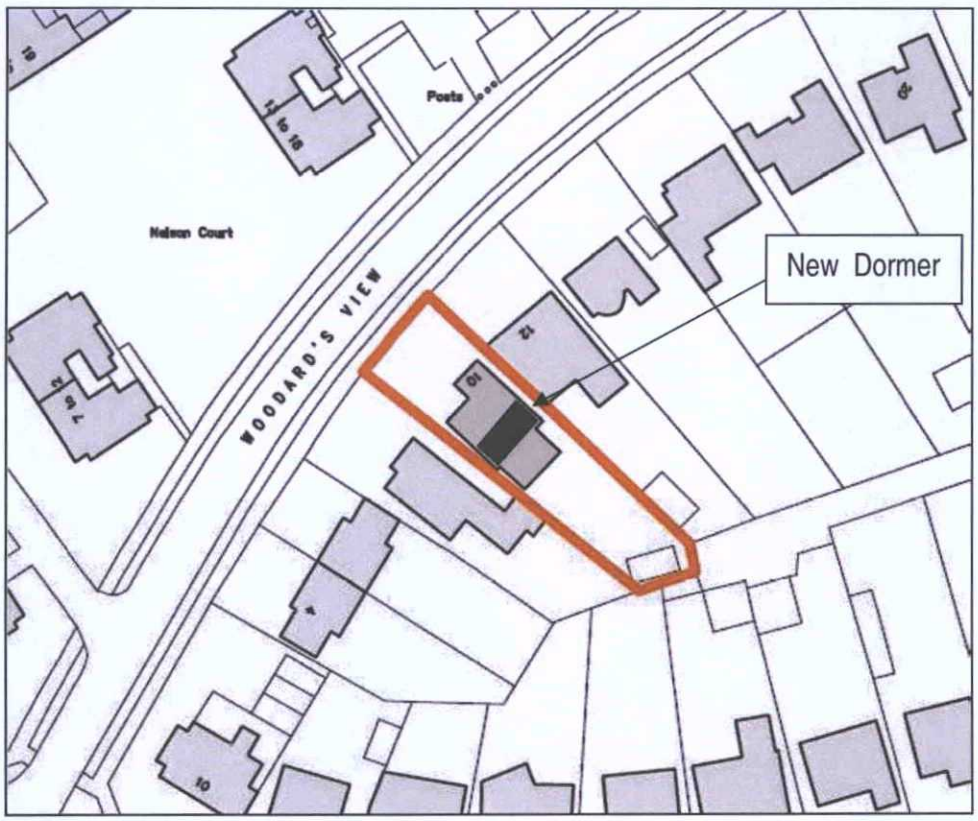
Comment: The new dormer is below ridge height:



South West (Side) Elevation 1:50

(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;

Comment: The new dormer window is on the rear roof slope, which is not the principle elevation for the house (see image overleaf):



(c) 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;

Comment: The new dormer window totals 43m^3.

(d) it would consist of or include—

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

Not applicable. Note that there are French windows in the rear elevation of the dormer. However, these have glass balustrades in front of them in order to prevent the creation of a balcony (see image overleaf):



South East (Rear) Elevation 1:50

As confirmed in the Communities and Local Government publication "Permitted Development for Householders - Technical Guidance" : "*A balcony is defined as a platform with a rail, ballustrade or parapet projecting outside an upper storey of a building. A 'Juliet' balcony, where there is no platform and therefore no external access, would be permitted development.*"

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

Not applicable. Note that there is a new flue extending up the rear elevation from ground floor level, but this is permitted development under Class G of the General Permitted Development Order

(e) the dwellinghouse is on article 1(5) land.

Comment: The dwelling is not on article 1(5) land.

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;

Comment: The dormer has been tiled to match the main roof.

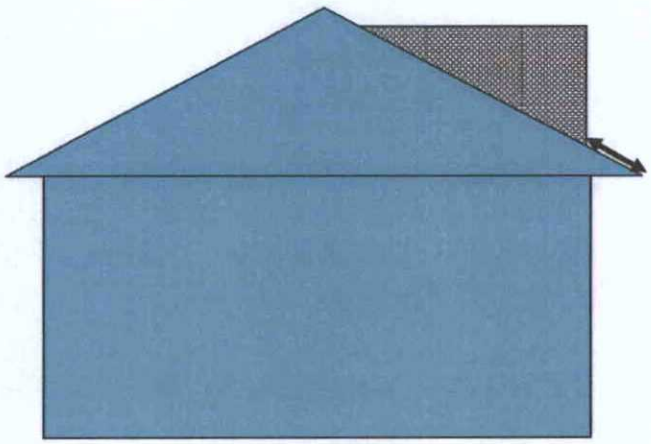
(b) other than in the case of a hip-to-gable enlargement, the edge of the enlargement closest to the eaves of the original roof shall, so far as practicable, be not less than 20 centimetres from the eaves of the original roof; and

We understand that this is the main issue that the Council requires clarification on with regard to the scheme's status as permitted development. This is because there are no eaves directly underneath the dormer window (as the original eaves were removed to facilitate the erection of a rear extension a few years ago).

Firstly, regard should be paid to the precise wording of clause B.2. (b). The clause states that "so far as practicable" the dormer window should be at least 20 centimetres away from the eaves. The phrase "so far as practicable" does not mean "must be". Therefore, if there are no eaves directly below the dormer window, then it is obviously not practicable to be 20 centimetres away, and therefore there is no conflict with this clause. There is nothing in the wording of the clause to suggest that if there are no eaves below the dormer window, then the dormer window is not permitted under the General Permitted Development Order.

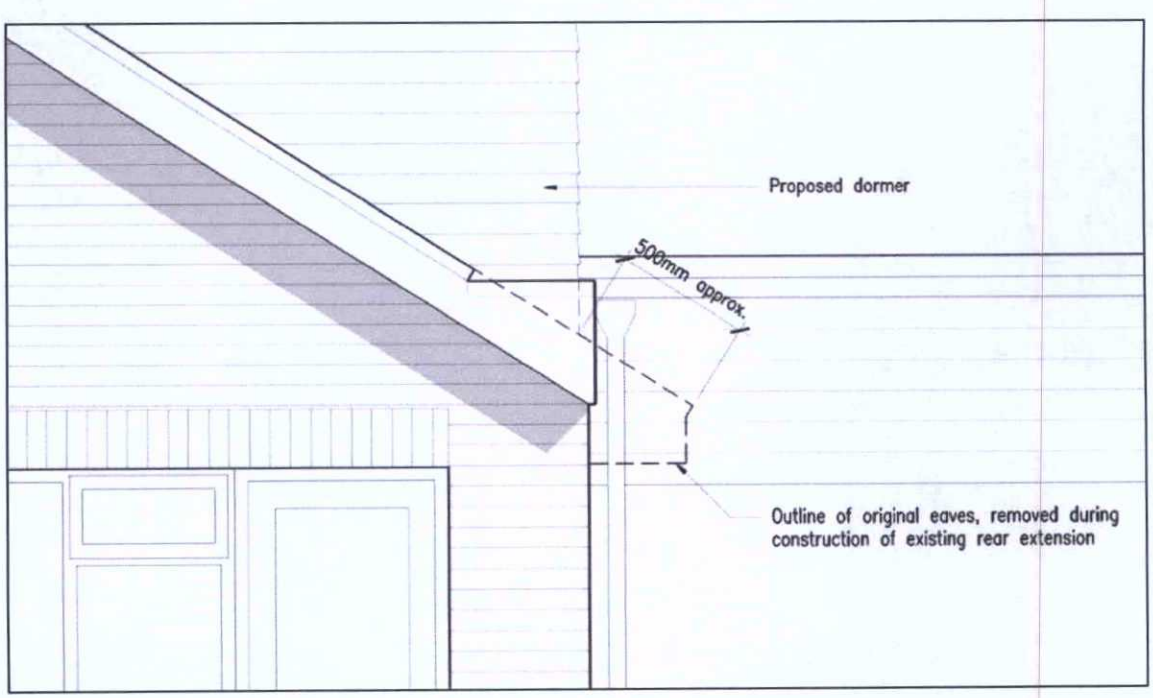
Secondly, regard should be had to the fact that the clause refers to dormer windows being at least 20 cms from the eaves of the "original" roof. This is to prevent situations where the eaves are relocated to allow for a form of development that would otherwise exceed the tolerances specified in the order. As confirmed in the Communities and Local Government publication "Permitted Development for Householders - Technical Guidance", the correct method for measuring distance from the original eaves is shown overleaf:

The measurement of 20cm should be made along the original roof slope from the outermost edge of the eaves (the edge of the tiles or slates) to the edge of the enlargement. Any guttering that protrudes beyond the roof slope should not be included in this measurement.



The Guidance continues by stating: "This 20cm set back will be required unless it can be demonstrated that this is not possible due to practical or structural considerations."

Officers will note that the line of the original eaves can be seen as follows, with the dormer window approximately 50 cm above its line:



For the current scheme under consideration it can therefore be seen:

1) The dormer window is more than 20 cms away from the edge of the "original" eaves.

2) For practical and structural reasons, the dormer window cannot be above the existing eaves (as there are no existing eaves directly below the dormer window).

3) There is nothing in the wording of Clause B.2(b) to show that because there are no eaves remaining below the dormer window, that the dormer window is not permitted development.

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

(i) obscure-glazed, and

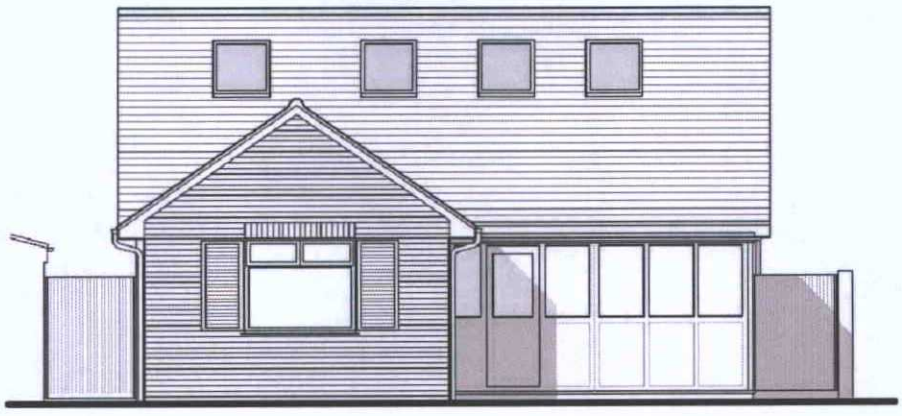
(ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

Comment: There are no side facing windows in the dormer window

Consequently it can be seen that the dormer window is permitted development under Class B.

C: NEW ROOFLIGHTS

Four new rooflights are proposed in the front elevation:



North West (Front) Elevation 1:100

The rooflights are permitted development under Class C of the Order – as shown below:

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;

Comment: the rooflights are flush with the roofslope.

(b) it would result in the highest part of the alteration being higher than the highest part of the original roof; or

Comment: The rooflights are below ridge height

(c) it would consist of or include—

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

Comment: Not applicable

(ii) the installation, alteration or replacement of solar photovoltaics or solar thermal equipment.

Comment: Not applicable

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.

Comment: The rooflights are located on the front roof slope

Consequently it can be seen that the rooflights are permitted under Class C of the Order.

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Summary

The proposed alterations and extensions are permitted development under Classes B and C of the General Permitted Development Order (2008)

Yours faithfully

STB

Simon Bareham
Lewis & Co Planning