Development Control – Delegated Officer Report

Application Number: AWDM/1406/21 Recommendation – APPROVE

Site: 15 Falcon Close, Shoreham-by-Sea, BN43 5HN

Proposal: Application for Certificate of Lawfulness for proposed loft conversion including rear dormer

Site visit: Assessment has been assisted using the Applicants plan; Earthlight mapping; and Google 3D of the site

Proposal, Site and Surroundings

The proposal seeks confirmation, within an application for a Lawful Development Certificate for a Proposed use or development, that the proposed works for a loft conversion, to include a rear dormer, is permitted development as defined within the Town and County Planning (General Permitted Development) (England) Order 2015, as amended.

The property is a 1 ½ storey, gabled roof, semi-detached dwelling, situated within Falcon Close on the Shoreham Beach Estate.

There is a large area of grass within the centre of the Close, and the road to the dwellings travels around the outside of the grassed area.

Many of the properties within the Close have dormers and or rear extensions. Indeed the application site has 2no. existing dormers and a rooflight on the front roofslope.

The site is not within a Conservation Area and the property is not a Listed Building.

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 Permitted development rights

Part 1, Development within the curtilage of a dwellinghouse

Class B – additions etc. to the roof of a dwellinghouse

Permitted development

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) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class 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) any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;

Analysis: The height of the rear dormer enlargement does not exceed the height of 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 dwelling house and fronts a highway;

Analysis: the rear dormer roof extension does not project beyond the plane of an existing roof slope which forms the principal elevation of the dwelling house and fronts a highway;

(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 cubic content of the enlargement does not exceed 50 cubic metres (the submitted application shows a calculation of 33.1m^3 for the new rear dormer and 4.06m^3 for the 2no. existing front dormers, making a total of 37.16m^3).

(e) it would consist of or include:-
i) a verandah, balcony or raised platform or
ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe;

Analysis: The application does not include any elements in i) or ii) above.

(f) the dwellinghouse is on article 2(3) land

Analysis: The dwelling house is not on article 2(3) land. (Conservation Area)

(g) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouse);

Analysis: The dwellinghouse was not built under 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 dwellinghouse has not been enlarged as stated

Conditions

B.2 Development is permitted by Class B 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 dwellinghouse;

Analysis: Plan identifies materials to be vertical tile hanging to match existing

(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; and

Analysis: 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 indicate that there are no new windows in the side elevation.

Recommendation

Issue a Certificate of Lawfulness for Proposed Development, the submission of a planning application for the works relating to Class B will not be required.

Reasons for Recommendation

The proposed rear dormer constitutes 'development' as defined by Section 55 of The Town and Country Planning Act 1990, but is permitted by Schedule 2, Part 1, Class B and Class C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

Case Officer: Eve Hearsey Date: 16.09.2021

Authorised by: Peter Barnett Date: 16 September 2021