Development Management – Delegated Officer Report

Application Number: AWDM/1588/24 Recommendation: Issue Certificate

Site: 46 Parkside, Shoreham-By-Sea, West Sussex

Proposal: Application for Certificate of Lawfulness for Proposed hip to gable roof extension, dormer with Juliet balcony to rear. Front rooflights; Garden room in rear garden

Proposal, Site and Surroundings

The application site is a two storey semi detached dwelling within a private road of similar properties. There are garage buildings on the opposite side of the road and this is the general character of the street. The site is not within a Conservation Area and the building is not listed.

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 Permitted Development.

Class B The enlargement of a dwellinghouse consisting of an addition or alteration to its roof

B.1 Development is not permitted by Class B if:-

a) The dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q.

Analysis: The dwellinghouse has not been created through change of use by virtue of Part 3.

b) The height of the roof extension would exceed the highest part of the existing roof;

Analysis: The height of the enlargement does not exceed the height of the highest part of the existing roof.

(c) the roof extension would extend beyond the plane of any existing roof slope which forms the principal elevation of the dwelling house and fronts a highway;

Analysis: the 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 as noted on the plans.

(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 development does not include a verandah, balcony or raised platform but does consist of a replacement flue or soil vent considered under Class G below.

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

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

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

Analysis: The dwellinghouse has not been created by virtue of Part 20.

B.2 Development is permitted subject to:-

(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 house;

Analysis: The extension would be finished in materials to match the existing building.

(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.

Analysis: The eaves of the original roof would be maintained and the proposed enlargement would be set up no less than 0.2m from the outside edge of the eaves. No part of the enlargement would extend beyond the outside face of any external wall of the original dwelling house.

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: It is noted on the plans that the side window will be obscured glazed and fixed shut.

Class C – Alterations to the roof of a dwelling house

C.1 Development is not permitted by Class C if:-

a) The dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q.

Analysis: The dwellinghouse has not been created through change of use by virtue of Part 3.

b) The alteration would protrude more than 0.15m beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof;

Analysis: The rooflight(s) would not project more than 150mm beyond the plane of the roofslope. The applicant's agent has confirmed this is the case.

c) The height of the highest part of the alteration would exceed the highest part of the original roof;

Analysis: The rooflight(s) would not exceed the highest part of the original roof;

(d) it would consist of or include:-

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

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

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

(e) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).

Analysis: The dwellinghouse has not been created by virtue of Part 20.

C.2 Development is permitted subject to the condition that any window located on a roof slope forming a side elevation of the dwelling house must be:-

a) obscure-glazed, and

b) 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 side window is obscurely glazed and fixed shut.

Class E Buildings etc incidental to the enjoyment of a dwellinghouse

Permitted development

E. *The provision within the curtilage of the dwellinghouse of—*

(a)*any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure; or*

(b)*a container used for domestic heating purposes for the storage of oil or liquid petroleum gas.*

Analysis: The building is shown on the application as a garden room, incidental to enjoyment of the dwellinghouse.

Development Not Permitted

a) Permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class G, M, MA, N, P PA or Q of Part 3 of this Schedule (changes of use);

Analysis: The dwelling house has not been created via a change of use.

b) the total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);

Analysis: As a result of the building the total area of ground covered by buildings will not exceed 50% of the total area of the curtilage. The dwelling has a large rear lawn, driveway to front and land to the front of the existing garage on the west side of the road, opposite the dwelling house.

c) any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse;

d) the building would have more than a single storey;

e)the height of the building, enclosure or container would exceed—

(i)4 metres in the case of a building with a dual-pitched roof,

(ii)2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse, or

(iii) 3 metres in any other case;

(f)the height of the eaves of the building would exceed 2.5 metres;

(g)the building, enclosure, pool or container would be situated within the curtilage of a listed building;

(h)it would include the construction or provision of a verandah, balcony or raised platform;

(i)it relates to a dwelling or a microwave antenna;

(j)the capacity of the container would exceed 3,500 litres

(k)the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).

Analysis: The building is to the rear of the dwelling in the rear garden. It is single storey with a flat roof and has a maximum height of 2.5 metres. The building is not listed. There is no verandah, balcony or raised platform shown on the submitted plans. (i), (j) and (k) are not relevant in this case.

E.2 In the case of any land within the curtilage of the dwellinghouse which is within—

(a)an area of outstanding natural beauty;

(b)the Broads;

(c)a National Park; or

(d)a World Heritage Site,

development is not permitted by Class E if the total area of ground covered by buildings, enclosures, pools and containers situated more than 20 metres from any wall of the dwellinghouse would exceed 10 square metres.

Analysis: The site is not within an AONB, The Broads, National Park or World Heritage Site.

E.3 In the case of any land within the curtilage of the dwellinghouse which is article 2(3) land, development is not permitted by Class E if any part of the building, enclosure, pool or container would be situated on land between a wall forming a side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse.

E.4. For the purposes of Class E, “purpose incidental to the enjoyment of the dwellinghouse as such” includes the keeping of poultry, bees, pet animals, birds or other livestock for the domestic needs or personal enjoyment of the occupants of the dwellinghouse.

Analysis: The above do not apply.

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

Case Officer: Hannah Barker Date: 23rd December 2024

Authorised by: Peter Barnett Date: 2 January 2025