Development Control – Delegated Officer Report

Application Number: AWDM/1717/21 Recommendation – APPROVE

Site: 16 St. James Avenue, Lancing, BN15 0NN

Proposal: Application for Certificate of Lawfulness for a proposed loft conversion, including hip to gable roof extension with Juliet balcony to rear, dormer to north side, rooflights to front and south side.

Site visit: N

Site and Surroundings:

The application site is located on the west side of St James Avenue, and is currently a hipped roof, detached bungalow situated on rising ground, and because of the rising ground the bungalow appears to be higher than its neighbour to the south no. 14, but lower than its neighbour to the north no. 18.

The property has a lean-to side extension to the north, onto the boundary with no. 18. There is also an existing vehicular access and drive leading down to a garage at the rear side of the bungalow.

The locality comprises predominantly detached bungalows many properties within the street have undertaken rear extensions and some have roof dormers.

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

Proposal

A Certificate of Lawfulness is sought for a proposed loft conversion, including hip to gable roof extension with Juliet balcony to rear, dormer to north side, rooflights to front and south side

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, Part 1, Development within the curtilage of a dwellinghouse.

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

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) 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 hip to gable and the side dormer do 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 dwellinghouse and fronts a highway;

Analysis: the hip to gable does not extend beyond the plane of the existing roof and the side dormer does not project beyond the plane of an existing roof slope which forms the principal elevation of the dwellinghouse 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 submitted application forms state that the cubic content of the enlargement does not exceed 50 cubic metres ($18.38m^3$ for the hip to gable + $23.34m^3$ for the side dormer. Total = $41.72m^3$).

(e) it would consist of or include:-
i) the construction or provision of 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 include elements from ii) above, which will be covered under Class G, (see 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 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 house;

Analysis: The plans identify that the materials will match the existing dwelling.

(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 proposal 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 show that the window on the side elevation will be obscurely glazed, and fixed shut on the gable end, all up to 1.7m.

Class C – other alterations to the roof of a dwellinghouse

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) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, 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) the alteration would protrude more than 0.15 metres 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 application states that the proposed roof lights will not protrude more than 150mm above the plane of the roof slope.

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

Analysis: The rooflights etc., will not be higher than 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 include elements from ii) above, which will be covered under Class G, (see below)

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 must 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.

Analysis: The application show that the windows on the side elevation will be obscurely glazed, and fixed shut below 1.7m

Class G – chimneys, flues etc. on a dwellinghouse

Permitted development

G. The installation, alteration or replacement of a chimney, flue or soil and vent pipe on a dwellinghouse.

Development not permitted

G.1 Development is not permitted by Class G if—

a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, 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) the height of the chimney, flue or soil and vent pipe would exceed the highest part of the roof by 1 metre or more; or

Analysis: The vent pipe will not be of such a height

(c) in the case of a dwellinghouse on article 2(3) land, the chimney, flue or soil and vent pipe would be installed on a wall or roof slope which—
(i) fronts a highway, and
(ii) forms either the principal elevation or a side elevation of the dwellinghouse.

Analysis: The dwellinghouse is not on article 2(3) land (Conservation Area)

Recommendation

A Certificate of Lawfulness for Proposed Development, can be issued as the proposed development is deemed permitted development

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; Class C; and G of Schedule 2 Part 1 of Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.

Case Officer: Eve Hearsey Date: 16.11.2021

Authorised by: Peter Barnett Date: 16 November 2021