Expiry Date - 02/08/2010

Development Control – Delegated Officer Report

Application Number: ADC/0198/10 **Recommendation –Issue Certificate**

Site: **89 Overhill Southwick Brighton West Sussex**

Proposal: **Application for certificate of lawfulness for proposed rooms in the roof, comprising extension of roof from hip to gable at rear and two side dormers**

The Application

The application site is a detached bungalow on the west side of Overhill. The property fronts onto the highway with off street parking to the front. There is a detached garage to the side and a rear extension as existing.

Permission was sought previously for a front and rear gable extension and two side flat roof dormers under reference ADC/0115/10. This application was withdrawn following advice from officers that the application could not be supported.

The current application is for a Certificate of Lawfulness for two flat roof side dormers and a rear hip to gable extension. This is a reduced scheme to that which was previously proposed. The dormer to the south is 3.8 metres wide and 2.1 metres high with a depth of 3.3 metres. The dormer to the north is 5 metres wide, 2.2 metres high and 3.3 metres deep. The hip to gable extension to the rear will increase the ridge height by 3.4 metres. The extensions will provide two bedrooms a shower room and an ensuite within the roof space.

The only matters for consideration in this current application are whether planning permission is required, the planning merits of the proposal are not for consideration in this case.

Consultations and Representations

Third Parties: - No third party representation have been received.

Planning Legislation

Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008. Schedule 2 Part 1 Development within the curtilage of dwellinghouse.

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

Planning Assessment

The roof extensions are clearly 'development' as defined by section 55 of the Town and Country Planning Act 1990. The side dormers and rear hip to gable extension constitute enlargement of a dwellinghouse consisting of an addition or alteration to its roof (Class B.)

The relevant Class B of Part 1 Schedule 2 of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended in 2008) confers permission (termed 'permitted development') for such enlargement. It contains a number of limitations: -

Class B

(a) The proposed dormers and hip to gable extension do not exceed the highest part of the existing roof of the bungalow.
(b) The roof extensions are to the side and rear and do not extend beyond a roof plane forming the principal elevation of the original dwelling and facing the highway.
(c) The cubic content of the resulting roof space is 39.92 cubic metres measured from the submitted plans. These measurements are within the maximum of the permitted 50 cubic metres.
(d) The proposal does not include any alteration to chimneys, flues, vent or soil pipes.
(e) The dwellinghouse is not within a Conservation Area.

It also contains conditions: -

(a) The external materials shall match existing.
(b) The edge of the dormer extensions will not be less than 20cm from the eaves of the original roof.
(c) The side windows on the dormers will be non openable and fitted with obscured glazing there will be top opening fan lights on the north elevation, 1.7 metres above floor level.

Recommendation

That a Certificate of Lawfulness be issued that an application for planning permission is not required.

Description: - Application for certificate of lawfulness for proposed rooms in roof, comprising extension of roof from hip to gable at rear and two side dormers. Drawing no. 477/01 Rev A received 7th June 2010.

Land at: - 89 Overhill, Southwick, West Sussex, BN42 4WH

Reason: - The proposed building works fall within the definition of 'development' as defined by section 55 of the Act.

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The side dormers and rear hip to gable extension constitutes the enlargement of a dwellinghouse consisting of an addition or alteration to its roof (Class B).

They comply with the provision of the relevant Class B Part 1 of Schedule 2 of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended in 2008).

Case Officer Hannah Barker

Date 25/6/10.

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