Development Control – Delegated Officer Report

Application Number: AWDM/1106/20 Recommendation – APPROVE

Site: 11 Mill Hill Gardens, Shoreham-by-Sea, BN43 5TN

Proposal: Application for Certificate of Lawfulness for proposed roof conversion including hip to gable extension with first floor window, rear dormer and front rooflights.

Site visit: No site visits can be made at this time due to Covid-19 social distancing restrictions. Assessment has been assisted using the Applicants plan and photos; 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 hip to gable roof extension and rear dormer are all permitted development as defined within the Town and County Planning (General Permitted Development) (England) Order 2015, as amended.

The property is a semi-detached bungalow situated at the closed end of the cul-de-sac that is Mill Hill Gardens. The property has a vehicular access and hardstanding at the front for parking, a shared access drive continues past the dwelling to a detached garage located to the rear side of the dwelling.

The topography of the area is sloping as it is on a hill, and the rear garden of the application site, slopes down from the house.

Mill Hill Gardens comprises predominantly detached and semi-detached bungalows, some of which have dormers. Indeed the neighbouring property at no.'s 12 through to 16 have rear dormers.

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) 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 comprising a hip to gable and a rear dormer, 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 application shows a calculation of 13.59 m3 for the hip to gable enlargement; and 36.06 m3 for the rear dormer making a total of 49.65m3.

(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 confirms that the development does not include any elements in i) or ii) above.

(f) the dwellinghouse is not on article 2(3) land (Conservation Area)

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

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 house;

Analysis: The application forms state that the materials are to match those 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 eave, 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: Complies with the above – the plans identify that the dormer is more than 200mm back from the existing eaves.

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 window in side elevation of the gable is notated on the plan to be obscure glazed and that the opening will be above 1.7m above the finished floor level.

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 notation on the plans show that the front rooflight will not protrude above 0.15 metres

(c) it would result in the highest part of the alteration being higher than the highest part of the original roof;
Analysis: None of the new rooflights will be above 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: None of (i) or (ii) well be undertaken

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
Analysis: The notation on the plans states that the side facing windows and the new rooflights are to be obscure glazed

(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 plans are notated that any opening is to be 1.7m above the floor

Recommendation

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

Reasons for Recommendation

The proposed hip to gable enlargement; the provision of 1no. dormer to the rear; and the rooflight to the front roofslope, 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: 02.09.2020

Authorised by: Peter Barnett Date: 3 September 2020