Development Management - Delegated Officer Report

Application Number: AWDM/1674/23 Recommendation – APPROVE

Site: 12 Croft Avenue, Southwick, BN42 4AB

Proposal: Application for a Lawful Development Certificate for proposed roof conversion with hip to gable roof, rear dormer, and front and side rooflights.

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

Neighbours checked: Y

Additional neighbour notifications: N

Site and Surroundings:

The property is a semi-detached, hipped roof, two storey 1930's dwelling, positioned on the north side of Croft Avenue, Southwick. The dwelling has its entrance door on a corner position, from a cut off corner of the room which has an entrance hall, and stairway to the first floor landing. This corner section of the dwelling has a flat roof, whilst the remaining has hipped pitched roofs. The property also has a rear porch with a mono pitched roof, and there is a balcony at the first floor balcony leading off the rear bedroom.

Several dwellings within Croft Avenue are of a similar design to the application site, and have the corner entrance construction as a design feature. Other dwelling designs in the street are also repeated.

Many properties in the street have been extended to the rear and/or the roofs

Croft Avenue is a cul-de-sac, and the street comprises mainly two and three storey properties. Southwick Recreation Ground is located off the closed section of the road.

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

Relevant Planning History:

AWDM/1686/23 Removal of existing conservatory and replacement with single storey rear extension. Removal of existing first floor rear balcony. **Current**

Proposal:

A Certificate of Lawfulness is sought for a:-

- Hip to gable roof extension;

- A flat roof rear dormer; and
- 3no. rooflights to the front roofslope (north) behind the flat roof section; plus 1no. rooflight in the main front roof (north); plus 3no. rooflights in side (west) roofslope.

Planning Assessment

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 G, M, MA, 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 ridge height of the hip to gable roof extension will be the same height as the existing roof ridge section, and much lower than the main roof ridge. It therefore does not exceed the height of the highest part of the existing roof. The flat roof of the rear dormer is also below the highest part of the existing roof, i.e. the ridge.

(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 will be to the side roof section, and does not extend beyond the plane of the existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway; the rear dormer will not be onto the principal elevation etc.

(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: A LDC calculations document has been submitted with the figures relating to the proposed cubic capacity and states that the hip to gable would be 7.87m^3 and the rear dormer would be 25.8m^3 making the total proposed volume to be 33.67m^3. The allowed 50m^3 is thereby not exceeded.

(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: None of the above is shown within the proposal.

(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); or

Analysis: The dwellinghouse has not been created by virtue of 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 above does not apply.

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 submitted LDC calculations document states that the new tiles and tile hanging will match the existing tiles.

(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 LDC document states that the proposal will comply 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: There are 3no. rooflights within the side rooflight of the dwellinghouse, and the plans are notated to say that they will be opaque glazed, and non-opening.

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 G, 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) 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 submitted LDC document states that the proposed rooflights will not project more than 150mm from the plane of the roof.

(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, namely the ridge.

(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 the above is shown within the proposal.

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

Analysis: The above does not apply

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: There are 3no. rooflights within the side rooflight of the dwellinghouse, and the plans are notated to say that they will be opaque glazed, and non-opening.

Recommendation

Issue a Certificate of Lawfulness as the proposal is permitted development by Class B and Class C within Schedule 2 Part 1 of Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.

Reasons for Recommendation

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

Case Officer: Eve Hearsey Date: 25 January 2024

Authorised by: Peter Barnett Date: 25 January 2024