Development Management - Delegated Officer Report

Application Number: AWDM/1178/12 **Recommendation – Refuse**

Site: **10 Woodards View' Shoreham-By-Sea**

Proposal: **Application for Lawful Development Certificate for existing roof extension.**

Date of site visit: 1 October

Neighbours checked: N/A

Additional neighbour notifications: N/A

Proposal, Site and Surroundings

This application is for a Lawful Development Certificate for an existing roof extension and is therefore a determination of whether the works comprise permitted development. The planning merits of the works are not for consideration as part of this application.

During August, officers were alerted to works taking place at the application site and as a result site visits were made by the Enforcement Officer and the case officer. It was considered that the appropriate way forward was to submit a Lawful Development Certificate for the Council's consideration.

The application site is a detached bungalow on the south eastern side of Woodards View.

Relevant site history

None relevant

Consultations

Consultation has taken place internally with the Council's Legal Department and this is included in the planning assessment below.

Representations

N/A

Relevant Government Guidance

Government guidance is contained in the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 which sets out the rules concerning what extensions, improvements and alterations a householder may make to their house without requiring planning permission.

Technical guidance is contained in a 2010 document 'Permitted development for householders'

Planning Assessment

The applicant's supporting information states the proposal comprises permitted development under Classes B and C of the 2008 Order.

Essentially, though, the assessment relates to Class B2 (b) of the Order which states that 'other in the case of a hip to gable enlargement, the edge of the enlargement closest to the eaves of the original roof shall, so far as practicable, be not less than 20 centimetres from the eaves of the original roof'

There are no eaves under the roof extension since these were removed when a rear extension was erected some years back. The applicant suggests that there is nothing in the Order to suggest that because there are no eaves then in turn it is not possible to comply with the requirement.

The Council has considered this point but considers that if there are no eaves then it is not possible to comply with the condition. There is nothing in the technical guidance from DCLG that considers notional eaves or how to measure notional eaves. As it is a matter of fact, therefore, that the original eaves no longer exist where the proposed development has been constructed it follows that the works cannot comply with the requirement or indeed its aim which seeks to ensure that part of the sloping area of the roof be retained when works are carried out.

Accordingly it is considered that the proposal does not comply with the requirements of the Order and the Certificate should therefore be refused.

Recommendation

REFUSE for the reason(s):-

The roof extension does not meet the requirements of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008. In particular, the extension does not comply with the requirements of Part B 2 (b) as there are no eaves to measure from in accordance with its criteria for permitted development.

Case Officer: Gary Peck Date: 30 October 2012

Authorised by: James Appleton Date: 1st November 2012