Expiry Date - 31/08/2010

Development Control – Delegated Officer Report

Application Number: ADC/0243/10 **Recommendation – Issue Certificate**

Site: **13 Mile Oak Road Southwick Brighton West Sussex**

Proposal: **Application for Certificate of Lawfulness for proposed loft conversion (with rear dormer) and dummy pitched roof over existing rear extension**

The Application

The application is to determine whether a planning application is required for the proposed loft conversion with rear dormer and dummy pitched roof over the existing single storey rear extension. The property which is the subject of this application is a semi detached gabled roof bungalow within the built up area of Southwick. There are similar properties either side of the site and two storey semi detached houses opposite.

Roof lights are proposed to the front roof slope with a large half pitched roof dormer to the rear with a Julliette balcony. The dormer is 8 metres wide, 2.4 metres high with a maximum depth of 3.2 metres. The loft conversion will provide two bedrooms and a bathroom at first floor level. The proposed dummy pitched roof will increase the height of the rear extension up to a maximum of 3.5 metres.

The only matter for consideration in this application is whether planning permission is required for the proposed extensions and alterations, the planning merits of the proposal are not for consideration in this case.

Consultations and Representations

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

Relevant Planning Legislation

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

Class A: - The enlargement, improvement or other alteration of a dwellinghouse.

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

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Planning Assessment

The proposed loft conversion with rear dormer and dummy pitched roof are clearly 'development' as defined by section 55 of the Town and Country Planning Act 1990. The rear dormer constitute enlargement of a dwellinghouse consisting of an addition or alteration to its roof (Class B.) The addition to the rear extension constitutes the enlargement, improvement or other alteration of a dwellinghouse (Class A.)

The relevant Classes A and 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 and these are addressed below in relation to this case: -

Class A

(a) The total area of ground covered by buildings within the curtilage of the dwellinghouse would not exceed 50% of the total area of the curtilage.
(b) The height of the part of the dwellinghouse enlarged, improved or altered would not exceed the height of the highest part of the roof of the existing dwellinghouse.
(c) The height of the eaves of the part of the dwellinghouse enlarged, improved or altered would not exceed the height of the eaves of the existing dwellinghouse.
(d) The enlarged part of the dwellinghouse does not extend beyond a wall which (i) fronts a highway (ii) and forms either a principle elevation or a side elevation of the original dwellinghouse.
(e) (i) The enlarged part of the dwellinghouse does not result in any extension beyond the rear wall of the original house (ii) and does not exceed 4 metres in height (measured from highest ground level)
(f) (i) (ii) N/A
(g) The eaves of the enlarged part of the dwellinghouse do not exceed 3 metres within 2 metres of the boundary.
(h) (i) (ii) (iii) N/A
(i) (i) (ii) (iii) (iv) The development does not include the construction or provision of a veranda, balcony or raised platform, installation, alteration or replacement of microwave antenna, chimney, flue or soil and vent pipe or the alteration to any part of the roof of the dwellinghouse.

It also contains conditions: -

(a) The external materials shall be of similar appearance to those used in the construction of the existing dwellinghouse. The roof addition will be constructed with tiles to match existing.
(b) There are no windows proposed in relation to this part of the development.
(c) The roof pitch is inkeeping in design with the existing roof.

Class B

(a) The proposed rear dormer does not exceed the highest part of the existing roof of the bungalow.
(b) The dormer is to the rear and does 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 40 cubic metres and is therefore within the maximum of the permitted 50 cubic metres.
(d) The proposal does not include the alteration of a soil or vent pipe or addition of a veranda, raised platform or balcony.
(e) The dwellinghouse is not within the Conservation Area.

It also contains conditions: -

(a) The external materials shall match existing.
(b) The edge of the dormer extension will not be less than 20cm from the eaves of the original roof.
(c) There is a side facing window proposed in the gable which will be obscurely glazed and will be non-openable with the exception of high level fan lights.

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 Loft Conversion (with rear dormer) and dummy pitched roof over existing rear extension. Drawing no. 1344/1407A received 6th July 2010.

Land at: - 13 Mile Oak Road, Southwick, Brighton, West Sussex

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

The addition of the dummy pitched roof constitutes the enlargement, improvement or other alteration of a dwelling house. (Class A)

The dormer constitutes enlargement of a dwelling house consisting of an addition or alteration to its roof (Class B).

They comply with the provision of the relevant Classes A and 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 27/7/10.

[redacted]