Expiry Date - 23/08/2010

Development Control – Delegated Officer Report

Application Number: ADC/0220/10 **Recommendation – Permit Application**

Site: **110 The Crescent Southwick Brighton West Sussex**

Proposal: **Application for Certificate of Lawfulness for proposed hip to gable extension and increase in size of rear dormer**

The Application

The application property is a semi-detached hipped roof bungalow located on the corner of The Crescent and Hadrian Avenue. The bungalow has previously been extended with a rear extension, conservatory, garage/utility at side, front porch and front and rear dormers. Planning permission also exists for a side gable and a second front dormer, but his has not been implemented. The applicant wishes to extend the roof as approved but also to extend the rear dormer across the full width of the extended roof. Such a proposal was rejected by the Council at the time of the application for the hip-to-gable extension (SW/64/05) but the applicant is now applying for a Certificate of Lawfulness in order to ascertain whether it can be constructed as 'permitted development' (PD).

Consultations and Representations

Consultations/Comments

None

Third Parties

No representations received

Relevant Planning Policies and Guidance

Not applicable

Planning Assessment

This proposal falls under Class B of Part 1 of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (which came into force on 1st October 2008). The provisions of Class B which are relevant to this case are as follows:

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) any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;

(b) any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway;

(c) the cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than—

(i) 40 cubic metres in the case of a terrace house, or

(ii) 50 cubic metres in any other case;

(d) it would consist of or include—

(i) the construction or provision of a veranda, balcony or raised platform, or

(ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe; or

(e) the dwellinghouse is on article 1(5) land.

Conditions

B.2 *Development is permitted by Class B subject to the following conditions—*

(a) the materials used in any exterior work shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;

(b) other than 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; and

(c) any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse shall be—

(i) obscure-glazed, and

(ii) 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.

Interpretation of Class B

> ***B.3*** *For the purposes of Class B "resulting roof space" means the roof space as enlarged, taking into account any enlargement to the original roof space, whether permitted by this Class or not.*

In this case,

(a) none of the works will result in the dwelling exceeding the highest part of the existing roof;

(b) none of the works extend beyond the plane of the front roofslope (the front dormer shown on the plans is already approved under SW/64/05).

(c) the total volume of the roof extensions, including the existing dormers, other approved roof extensions and the roof of the front porch, amounts to approximately 51 cubic metres. However, excluding the front dormer which has yet to be built, the rear dormer extension and hip to gable extension amount to a total increase of 49.11 cubic metres and is therefore within the permitted tolerance.

(d) no balcony is proposed, nor any chimney, etc

(e) the dwelling is not on Article 1(5) land

Conditions: The extension will be completed in materials of the same type and colour as those on the existing dwelling and no windows are proposed on the side elevation.

The roof extension will thus meet the provisions of Class B of Part 1 of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 and is therefore permitted development, provided the front dormer approved under SW/64/05 is not built until the completion of the development subject of this application.

Recommendation

The Adur District Council hereby certify that on (date of decision) the matter described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged in red on the plan attached to this certificate, was lawful within the meaning of Section 191 of the Town and Country Planning Act 1990 (as amended), and is APPROVED for the following reason: -

The proposed roof extension constitutes 'permitted development' under Class B of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (as amended).

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First Schedule

Proposed side gable and increase in size of rear dormer (to be constructed and completed before the construction of the front dormer approved under application reference SW/64/05).

Second Schedule

110 The Crescent, Southwick, West Sussex, BN42 4LG

Case Officer Peter Barnett Date 28 July 2010