Expiry Date - 02/08/2010

# Development Control – Delegated Officer Report

**Application Number: ADC/0197/10** **Recommendation – Permit Application**

**Site:** **34 Greenacres Shoreham-by-Sea West Sussex BN43 5WY**

**Proposal:** **Application for Certificate of Lawfulness for proposed rear dormer with Juliet balcony**

## The Application

The application is to determine whether a planning application is required for the proposals to this semi-detached house. The property is located within the built up area of Shoreham on the south-west side of Greenacres.

The proposals consist of a loft conversion including a rear dormer with Juliette style balcony. A proposed front dormer, and clear glazed window in the side gable of the house are subject to a planning application ADC/0196/10.

The annotated plans show the proposed rear dormer would be:- 5.2 m wide, by 2.6m high, by 3.4m deep with a volume of 23 cubic metres.

The front dormer window proposed under ADC/0196/10 would be 3.2m wide, by 1.9m high, by 2.5m deep with a volume of 7.6 cubic metres.

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

### Planning Assessment

The proposals are clearly 'development' as defined by section 55 of the T&CP Act 1990.

The rear dormer window constitutes the enlargement of a dwellinghouse consisting of an addition or alteration to its roof (Class B).

The relevant Class B of Part 1 of Schedule 2 to Article 3 of the Town & Country Planning (General Permitted Development) Order 1995 (as amended in 2008) confers permission (termed 'permitted development') for such enlargements. It contains a number of limitations:-

Class B.

(a) The development must not exceed the highest part of the existing roof of the house – the proposed dormer meets this requirement.

(b) Must not extend beyond a roof plane forming the principal elevation of the original dwelling and facing the highway – the proposal meets this requirement as it is at the rear.

(c) The cubic content of the resulting roofspace would exceed that of the original roofspace by more than 50 cubic metres – the proposed rear dormer would be 23 cubic metres in volume and when added to the front dormer (7.6 m3) the total would be 30.6 cubic metres in volume.

(d) (i) Must not be the construction of a veranda, balcony, or raised platform – the proposals do include a Juliette Balcony, however it has been considered that a Juliette Balcony does not have the same impact as a balcony which it is possible to step out onto from the building envelope. The Juliette balcony restricts the occupier of the dwelling to staying within the building itself, much like a traditional window does.

*The Federation of Master Builders sets out in their own Guidance Document on the interpretation of the GPDO that: the original Government white paper report (item 4 para 59 pg 16) on the amendments included the wording '...verandas or balconies,* ***including railings, walls or balustrades****...etc', however when the final published GPDO amendments came into force the words railings and balustrade had been removed.*

It is therefore considered on the basis of the above interpretation that a Juliette Balcony is not a veranda, balcony or raised platform and is therefore permitted development.

(ii) Must not include the alteration of a soil and vent pipe - the proposal includes an internal soil pipe for the proposed en suite.

(e) N/A (as it is not in a Conservation Area)

It also contains conditions:-

(a) The external materials shall be of similar appearance to the existing dwelling – the proposal is considered to meet this requirement as the plan states that the tile hanging will match the colour of the existing roof tiles. As regards the flat roof, Government guidance states that this should not normally be regarded as being of dissimilar appearance where the roof surface cannot be viewed from ground level.

(b) The edge of the enlargement shall not be less than 20cm from the eaves of the original roof – it meets this requirement as it is stated to be 0.55m from the eaves.
(c) The side windows is subject to the planning application as stated above.

**Recommendation**

That a Certificate of Lawfulness be issued that an application for planning permission is not required.

Description: Proposed rear dormer with Juliet balcony.

Land at: 34 Greenacres, Shoreham-by-Sea shown outlined in red on the 1:1250 plan

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

The rear dormer constitutes the enlargement of a dwellinghouse consisting of an addition or alteration to its roof (Class B).

It complies with the provisions of the relevant Class B Part 1 of Schedule 2 to Article 3 of the Town & Country Planning (General Permitted Development) Order 1995 (as amended in 2008).

Case Officer [redacted]
Date:

Case Officer Carlos Hone Date 05.07.10

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