Expiry Date - 29/09/2021

Development Control – Delegated Officer Report

Application Number: AWDM/1454/21 **Recommendation – APPROVE**

Site: **54 Parkside Shoreham-By-Sea West Sussex BN43 6HA**

Proposal: **Application for a Lawful Development Certificate for a proposed removal of chimney, rear dormer with Juliet balcony and front roof light.**

Site visit: N

Proposal, Site and Surroundings
The proposal seeks confirmation, within an application for Lawful Development Certificate for a Proposed use or development, that the proposed removal of chimney, rear dormer with Juliet balcony and front roof light are all permitted development as defined within the Town and County Planning (General Permitted Development) (England) Order 2015.

Planning Assessment

The development site is noted as a terraced dwelling.

Detached garage and extension previously approved, not relevant to this proposal.

Principle

The proposal will be viewed against the criteria of permitted development, as laid out within The Town and Country Planning (General Permitted Development) (England) Order 2015

Consideration

Schedule 2, Part 1, Development within the curtilage of a dwellinghouse Permitted Development

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

B.1 Development is not permitted by Class B if:-

a) The dwellinghouse has been granted only by virtue of Class M, 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 height of the enlargement does not exceed the height of the highest part of the existing roof.

(c) the roof extension would extend beyond the plane of any existing roof slope which forms the principal elevation of the dwelling house and fronts a highway;

Analysis: the roof extension does not project beyond the plane of an existing roof slope which forms the principal elevation of the dwelling house and fronts a highway;

(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: The cubic content of the enlargement does not exceed 40 cubic metres (27.7m3)

(e) it would consist of or include the roof extension does not include:-
i) a verandah, balcony or raised platform or
ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe;

Analysis: The development does not include any elements in i); ii chimney to be removed under Class G.

(f) the dwellinghouse is not 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).

Analysis: The dwellinghouse has not been created by virtue of Part 20.

B.2 Development is permitted subject to:-

(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: materials match

(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 eave, 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: Complies 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: No side windows

Class C – Alterations to the roof of a dwelling house

C.1 Development is not permitted by Class C if:-

a) The dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q.

Analysis: The dwellinghouse has not been created through change of use by virtue of Part 3.

b) The alteration would protrude more than 0.15m 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 rooflight(s) would not project more than 150mm beyond the plane of the roofslope.

c) The height of the highest part of the alteration would exceed the highest part of the original roof;

Analysis: The rooflight(s) would not exceed the highest part of the original roof;

(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: The development does not include any elements in i) or ii).

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

Analysis: The dwellinghouse has not been created by virtue of Part 20.

C.2 Development is permitted subject to the condition that any window located on a roof slope forming a side elevation of the dwelling house must be:-

a) obscure-glazed, and
b) 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: Rooflight do not project more than 150mm.

Class G – chimneys, flues etc on a dwellinghouse

Permitted development
G. The installation, alteration or replacement of a chimney, flue or soil and vent pipe on a
dwellinghouse.
Development not permitted
G.1 Development is not permitted by Class G if—
(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class
M, N, P, PA or Q of Part 3 of this Schedule (changes of use);
(b) the height of the chimney, flue or soil and vent pipe would exceed the highest part of the roof by
1 metre or more; or
(c) in the case of a dwellinghouse on article 2(3) land, the chimney, flue or soil and vent pipe would
be installed on a wall or roof slope which—
(i) fronts a highway, and
(ii) forms either the principal elevation or a side elevation of the dwellinghouse.; or
(d) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).

Comment: Removal of chimney only which does not require planning permission

Recommendation

Issue a Certificate of Lawfulness for Proposed Development, the submission of a planning application for the works will not be required.

Reasons for Recommendation

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

Case Officer: Dawn Anthony-Unsted Date: 24th September 2021

Authorised by: Peter Barnett Date: 24 September 2021