Development Control – Delegated Officer Report

Application Number: ADC/0411/10 **Recommendation – Grant Certificate**

Site: **1 Lodge Court, The Street, Shoreham-by-Sea West Sussex BN43 5NU**

Proposal: **Application for Certificate of Lawfulness for proposed pitched roof over existing conservatory**

The Application

The property is a detached house situated on the east side of the junction of Lodge Court with The Street. It has a front, west side and rear garden. The house is built of buff bricks with a very shallow-pitched roof.

There is also a current application for planning permission for a proposed two-storey extension on the west side and a front canopy (ADC/0415/10).

This application is to determine whether a planning application is required for the proposed addition of a pitched tiled roof (with 2 rooflights) to an existing flat-roofed rear conservatory which is 3m deep and 6.7m wide and attached to the back of the original house. The proposed roof would add 12.6 cubic metres in volume to the existing conservatory roof. It would be of lean-to design with a maximum height of 4m.

The house was permitted in 1969 (SU/389/68) and the rear conservatory was permitted in 1971 (SU/302/71). In 1974, an extension of the garage and a first-floor extension above was permitted (SU/172/74) and a single-storey rear extension in 1977 (SU/441/77).

Assessment

The proposal is clearly ‘development’ as defined by section 55 of the T&CP Act 1990.

The proposed addition appears to constitute ‘the enlargement of a dwellinghouse consisting of an addition or alteration to its roof’ under Class B of Part 1 of Schedule 2 to the Town & Country Planning (General Permitted Development) Order 1995 (as amended in 2008). The informal advice of the Government is that where the enlargement takes the form of an addition to the roof of a back addition, it falls within Class B, not Class A. The Order confers permission (termed ‘permitted development’) for such works but it contains some limitations:-

Under Class B:-

(a) Must not exceed highest part of existing roof of the dwelling – the proposal meets this requirement.

(b) Must not extend beyond roof plane of a principal elevation facing a highway – the proposal meets this requirement.
(c) Cubic content of resulting roofspace must not exceed the cubic content of the original roof space of the house by more than 50 cubic metres – the proposed roof addition has a volume of 12.6 cubic metres. If the view is taken that the pitched roof of the previous first-floor extension was an addition to the roofspace (10 cubic metres), this gives an overall total of 22.6 cubic metres which is still well below the limit.
(d) N/A (as it does not include a veranda, balcony or raised platform, or chimney, flue or vent pipe)
(e) N/A (as it is not in a Conservation Area)

Additionally, conditions require:-

i) Materials of similar appearance.
ii) N/A (as not an addition to the original roof of the house)
iii) N/A (as no side window proposed).

If the view were to be taken that the proposal could fall under Class A 'the enlargement, improvement or other alteration of a dwellinghouse', even if the whole conservatory is included, it still meets the requirements to be permitted development, namely:-

(a) Must not result in more than 50% site coverage – it meets this requirement
(b) Must not exceed highest part of existing roof of the dwelling – it meets this requirement.
(c) Must not exceed eaves height of original house – it meets this requirement.
(d) N/A (does not front a highway)
(e) Must not extend beyond the rear wall of the original house by more than 4m or exceed 4m in height – its depth (3m) meets this requirement and its height (4m) just does.
(f) N/A (as only single-storey)
(g) Must not have an eaves height over 3m if within 2m of boundary - it meets this requirement
(h) N/A (as not extending beyond original side wall)
(i) Does not include a veranda, balcony or raised platform, or chimney, flue or vent pipe - but it does involve an alteration to any part of the roof of the dwellinghouse.

Additionally, conditions require:-

(i) Materials of similar appearance except in the case of a conservatory.
(ii) N/A (no upper floor side windows)
(iii) N/A (enlarged part is not more than one storey).

In conclusion, provided the roofing material is of similar appearance to the existing house, the proposal is 'permitted development' whether it is treated as falling under Class B or Class A. It, therefore, does not require an application for planning permission.

Recommendation

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

Description: Proposed pitched roof over existing rear conservatory.

Land at: 1 Lodge Court, The Street, Shoreham-by-Sea, shown outlined in red on the plan

Reason:- The proposed pitched roof falls within the definition of 'development' as defined by section 55 of the Act but it constitutes 'The enlargement of a dwellinghouse consisting of an addition or alteration to its roof' under Class B of Part 1 of Schedule 2 to the Town & Country Planning (General Permitted Development) Order 1995 (as amended in 2008). It complies with the provisions of the relevant Class B provided its exterior materials are of similar appearance to those used in the construction of the existing house.

Case Officer: Keith Morgan Date: 1 November 2010