Development Management - Delegated Officer Report

Application Number: AWDM/1652/23 Recommendation – APPROVE

Site: 59 Downsway, Southwick, BN42 4WE

Proposal: Application for a Lawful Development Certificate for proposed loft conversion with hip to gable roof; rear dormer; front rooflights; and alteration to the existing soil and vent pipe.

Date of site visit: N/A - Assessment has also been assisted using the Applicants plan; Earthlight mapping; and Google 3D of the site

Neighbours checked: Y

Additional neighbour notifications: N

Site and Surroundings:

The property is a semi-detached, two storey, hipped roof, dwelling, positioned on the west side of Downsway, Southwick. The land is rising from south to north, with the neighbouring property no. 57 being set lower than the application site. Because of the land height difference, no. 59 has provided a raised parking area, level with the pavement, to the front of their property. The dwelling is white rendered, and has brown plain roof tiles, although the front gabled section has had the hanging tiles painted grey.

The locality comprises predominantly semi-detached dwellings in both two storey and bungalow form. Many properties within the area have undertaken extensions of some form, mainly rear extensions, and some have extended the roofs with rear dormers.

The site is not a Listed Building or within a Conservation Area.

Relevant Planning History: None

Proposal:

A Certificate of Lawfulness is sought for a:-

- Hip to gable roof extension;
- A flat roof rear dormer;
- 2no. rooflights to the front roofslope; and
- Alteration to the existing soil and vent pipe on the south elevation

Planning Assessment

Consideration

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

Class B – additions etc. to the roof of a dwellinghouse

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) The dwellinghouse has been granted only by virtue of Class G, M, MA, 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 ridge height of the hip to gable roof extension will be the same height as the existing roof ridge and therefore does not exceed the height of the highest part of the existing roof; and the flat roof of the rear dormer is below the highest part of the existing roof, i.e. the ridge.

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

Analysis: the hip to gable will be to the side roof section, and does not extend beyond the plane of the existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway; the rear dormer will not be onto the principal elevation etc.

(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 Agent has submitted a support statement that shows what the proposed cubic capacity will be and states that the hip to gable would be 8.534m^3 and the rear dormer would be 23.3m^3 making the total proposed volume to be 31.834m^3. The allowed 50m^3 is thereby not exceeded.

(e) it would consist of or include:-

i) the construction or provision of a verandah, balcony or raised platform, or
ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe;

Analysis: The soil and vent pipe will be altered and this is covered by Class G below.

(f) the dwellinghouse is 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); or

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

(h) the existing dwellinghouse has been enlarged in reliance on the permission granted by Class AA (enlargement of a dwellinghouse by construction of additional storeys).

Analysis: The above does not apply.

B.2 Development is permitted subject to the following conditions:-

(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: The submitted support statement states that the new tiles and tile hanging of the dormer and gable will match the existing.

(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 eaves, 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: The submitted support statement confirms that the enlargement will not be closer than 200mm to the edge of the roof.

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: There is no new window shown in the side elevation of the gable.

Class C – other alterations to the roof of a dwellinghouse

Permitted development

C. Any other alteration to the roof of a dwellinghouse.

Development not permitted

C.1 Development is not permitted by Class C if—

(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class G, M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use);

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 submitted support statement confirms that the rooflights will not project more than 150mm from the plane of the roof.

(c) It would result in the highest part of the alteration being higher than the highest part of the original roof;

Analysis: The rooflights etc., will not be higher than the highest part of the original roof, namely the ridge.

(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 soil and vent pipe will be altered and this is covered by Class G below.

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

Analysis: The above does not apply

Conditions

C.2 Development is permitted by Class C subject to the condition that any window located on a roof slope forming a side elevation of the dwellinghouse must be— (a) obscure-glazed; and (b) 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.

Analysis: There is no window proposed in the side elevation of the dwellinghouse.

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 G, M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use);

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

(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

Analysis: The altered soil and vent pipe would not exceed the highest part of the roof.

(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.;

Analysis: The site is not on article 2(3) land.

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

Analysis: The above does not apply

Recommendation

Issue a Certificate of Lawfulness as the proposal is permitted development by Class B; Class C; and Class G within Schedule 2 Part 1 of Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.

Reasons for Recommendation

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

Case Officer: Eve Hearsey Date: 23.01.2024

Authorised by: Gary Peck Date: 24 January 2024