Expiry Date - 10/02/2025

Development Control – Delegated Officer Report

Application Number: AWDM/1622/24 Recommendation – APPROVE

Site: 49 Orchard Avenue Worthing West Sussex BN14 7PY

Proposal: Application for a Lawful Development Certificate for Proposed rooms in roof to include hip to gable roof extension, rear dormer with Juliet balcony, front roof lights and alterations to existing soil and vent pipe.

Date of site visit: N

Site and Surroundings:
The application site is a semi-detached, two storey, hipped roof dwelling, situated on the southeastern side of Orchard Avenue. The property has an outbuilding (garage) together with a vehicular crossover and drive to the south of the site.

The locality is characterised by a mix of two storey dwellings, some of which have been extended to the rear and/or into the roof.

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 shown on plans to measure (9.39m x 3.64m x 4.77m)/6 = 26.6m^3
- Flat roof rear dormer shown on plans to measure 2.4m x 3.27m x 5.6m / 2 = 21.97m^3
- 2no. rooflight to front roofslope.

Planning Assessment
Principle
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 hip to gable extension will be the same height as the ridge of the existing roof, and the flat roof of the rear dormer is below the highest part (ridge) 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 dwellinghouse and fronts a highway;

Analysis: The rear dormer will not be onto the principal elevation etc. The hip to gable roof extension will not extend beyond the plane of the existing roofslope.

(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 notated the submitted plans for the LDC with the external measurements of the hip to gable as 26.6m^3 and the rear dormer as being 21.97m^3
The total cubic capacity thereby is shown to be 48.58m^3 which is less than the allowed 50m^3

(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: None of these are shown on the submitted plans.

(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 plans illustrate that the materials used will match the existing dwelling.

(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 proposal 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: There are two side facing windows shown as obscure glazed and non-opening

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 0.15 metres 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 will not project more than 150mm above the original 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: There is a soil vent pipe which meets the criteria of Class G

(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: The windows proposed on the side elevation will be obscure glazed and fixed shut to 1.7m as illustrated on the plans.

Recommendation

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

Case Officer: Finlay Gardner Date: 10.02.2025

Authorised by: Louise Prew Date: 10/02/2025