Development Control – Delegated Officer Report

Application Number: AWDM/1889/16 **Recommendation – Issue Certificate**

Site: 65 Cross Road Southwick Brighton

Proposal: **Application for a Lawful Development Certificate for a proposed side dormer, insertion of 2 no. rooflights in south east elevation, 1 no. 2nd floor window in south west elevation, and 1 no. 2nd floor window in north east elevation**

Site and Surroundings

This application relates to a detached two-storey dwellinghouse in an inner neighbourhood of Southwick, north of Southwick Green.

It is not in a conservation area and it is not a listed building. There are no protected trees on the site. Permitted development rights related to this dwellinghouse (C3) are intact.

Proposal

A determination is sought as to whether planning permission is required for a side dormer, 1 no. 2nd floor window in south west elevation, and 1 no. 2nd floor window in north east elevation.

The volume of the proposed side dormer on the north-west is 21.5 cubic metres (3.2 metres in height by 3.2 metres in length and 4.2 metres in width).

There are two existing side dormers on the south east elevation. Council records held for the property did not record a planning application made for these dormers. Their postwar size and hipped roof design in the relation to the interwar design of the host dwelling casts some doubt to whether these are original. As a precautionary approach, their volume should be deducted from the overall permitted volume allowance.

The volume of one individual existing side dormer on the south east is 3.8 cubic metres.

The combined volume of all three dormers would be **29.1** cubic metres (21.5 + 3.8 + 3.8)

RELEVANT LEGISLATION:

The 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 A – enlargement, improvement or other alteration of a dwellinghouse

Permitted Development

A. The enlargement, improvement or other alteration of a dwellinghouse.
Development not permitted

A.1 Development is not permitted by Class A 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) as a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);
(c) the height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;
(d) the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;
(e) the enlarged part of the dwellinghouse would extend beyond a wall which—
(i) forms the principal elevation of the original dwellinghouse; or
(ii) fronts a highway and forms a side elevation of the original dwellinghouse;
(f) subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and—
(i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or
(ii) exceed 4 metres in height;
(i) the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres;
(k) it would consist of or include—
(i) the construction or provision of a verandah, balcony or raised platform,
(ii) the installation, alteration or replacement of a microwave antenna,
(iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or
(iv) an alteration to any part of the roof of the dwellinghouse.

Conditions

A.3 Development is permitted by Class A subject to the following conditions—

(a) the materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;
(b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be—
(i) obscure-glazed, and
(ii) 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; and

(c) where the enlarged part of the dwellinghouse has more than a single storey, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original 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) 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) any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;
(c) any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway;
(d) the cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than—
(i) 40 cubic metres in the case of a terrace house, or
(ii) 50 cubic metres in any other case;
(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; or
(f) the dwellinghouse is on article 2(3) land.

Conditions
B.2 Development is permitted by Class B subject to the following conditions—
(a) the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;
(b) the enlargement must be constructed so that—
(i) other than in the case of a hip-to-gable enlargement or an 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 0.2 metres 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 dwellinghouse; and
(c) any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse must be—
(i) obscure-glazed, and
(ii) 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.

Interpretation of Class B

B.3 For the purposes of Class B, “resulting roof space” means the roof space as enlarged, taking into account any enlargement to the original roof space, whether permitted by this
Class or not.

B.4 For the purposes of paragraph B.2(b)(ii), roof tiles, guttering, fascias, barge boards and other minor roof details overhanging the external wall of the original dwellinghouse are not to be considered part of the enlargement.

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 M, N, P, PA or Q of Part 3 of this Schedule (changes of use);
(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;
(c) it would result in the highest part of the alteration being higher than the highest part of the original roof; or
(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.

Conditions
C.2 Development is permitted by Class C subject to the condition that any window located on 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.

Assessment

Class A

The new upper floor windows are in the front and rear elevations, not the side.

Class B

The proposed side dormer would not exceed the highest part of the roof and is not on the principal elevation. The roof works do not involve (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. The materials used will be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse. The eaves of the original roof are maintained or reinstated; and the edge of the enlargement closest to the eaves of the original roof is, so far as

practicable, not less than 0.2 metres from the eaves. The side windows are to be fitted with obscure glazing and openable only 1.7 metres above floor level. The combined volume of all three dormers would be within the permitted development allowance.

Class C

The agent has confirmed the rooflights would not extend from the plane of the roof by more than 150mm. The rooflights are to be fitted with obscure glazing and openable only 1.7metres above floor level.

Recommendation ISSUE certificate

The development as detailed on supporting document titled PERMITTED DEVELOPMENT REQUIREMENTS FOR PROPOSED LOFT CONVERSION date valid 16-12-2016; drawing titled Site Location Plan date valid 16-12-2016; supporting document PROPOSED LOFT CONVERSION AT: 69 CROSS ROAD SOUTHWICK date received 30-03-2017; and drawing No. 1652/2045A titled Proposed Loft Conversion date received 27-02-2017 constitutes 'development' as defined by Section 55 of the Town and Country Planning Act 1990, but is permitted by Classes A, B, and C of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Case Officer signed:	Matthew Porter	Date: 30-3-2017
Authorised and signed by:	Peter Barnett	Date: 31 March 2017