Expiry Date - 01/06/2021

Development Control – Delegated Officer Report

Application Number: AWDM/0596/21 Recommendation – APPROVE

Site: Waverley Orchard Avenue Lancing West Sussex

Proposal: Application for Certificate of Lawfulness for proposed hip to gable loft conversion including rear dormer, 2no. front rooflights and side window at first floor

Site visit: N

Proposal, Site and Surroundings

The applicant has proposed; a loft conversion including hip to gable enlargement with 1no. window to south, the creation of a rear dormer to the east elevation and the installation of 2no. roof lights on the principle roof elevation, on a semi-detached dwelling in the ward of Mash Barn. The site does not lie within a Conservation Area nor is it affecting the setting of a Listed Building. There are no Tree Protection Orders in effect on or surrounding the site that would be affected by the proposal.

A rear single storey extension was permitted in 2020 under reference AWDM/0636/20 however this would not affect nor be affected by the proposed works.

It is noted that there are no previous planning decisions with conditions restricting development or removing permitted development rights of the property

Planning Assessment

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 proposed development would not result in any part of the hip to gable or dormer being higher than the peak 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: *This criterion is not relevant to this application given the scope of the proposed development, as the extension is a dormer to the rear elevation and hip to gable to the side elevation.*

(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: *Measurements taken from the scaled drawings show that the proposed development would only increase the roofspace by 46.45m^3 (27.84 for the hip to gable and 18.61 for the dormer) therefore would not exceed the limits set by the above criterion.*

(e) it would consist of or 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: *These criteria are not relevant to this application given the scope of the proposed development which would not include the above.*

(f) the dwellinghouse is on article 2(3) land

Analysis: *The dwelling house is not sited within 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: *It has been stated within the proposed plans that the materials would be similar in appearance to that of existing materials*

(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 0.2m 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 proposed development would maintain the existing eaves and be positioned (according to dwg. 02, dated 03/2021) at least 200 mm back from them, and not extending past the outside face of the original dwelling houses rear wall.*

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: *The proposed plans confirm that the first floor side window would adhere to the above constraints.*

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: *According to the proposed plans, the proposed rooflights would be not protrude more than 150mm and therefore would adhere to the above criterion.*

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

Analysis: *The proposed development would adhere to constraints set by the above criteria.*

(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: *This criterion is not relevant to this application given the scope of the proposed development are rooflights, which would not include any of the above.*

(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: *This criterion is not relevant to this application given the scope of the proposed development are rooflights to the principal roof slope.*

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 Class B and C of Part 1 Schedule 2 of Town and Country Planning (General Permitted Development) (England) Order 2015.

Expiry Date - 01/06/2021

Case Officer: *Benjamin Marshall* Date: 23rd April 2021

Authorised by: Peter Barnett Date: 23 April 2021