Expires 18/9

Development Control – Delegated Officer Report

Application Number: ADC/0282/09 **Recommendation – Permit Application**

Site: **18 Rosslyn Road Shoreham-by-Sea West Sussex BN43 6WP**

Proposal: **Application for Certificate of lawfulness for proposed rear dormer (on rear roofslope and side and rear projection) and front rooflights**

The Application

The application site forms one half of a pair of semi-detached dwellings located on the south side of Rosslyn Road, Shoreham. The dwellings have a two storey projection at the rear, with No.18 having a single storey extension in the recess formed by the two storey projection.

This application seeks a Certificate of Lawfulness to construct rooms within the roof space served by an L-shaped rear dormer which will wrap around the south and west facing rear roofslopes. Two rooflights are proposed for the front rooflsope.

Consultations and Representations

Consultations/Comments

None

Third Parties

None received

Relevant Planning Policies and Guidance

Not applicable

Planning Assessment

The proposed dormer falls under Class B and the rooflights under Class C of Part 1 of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (which came into force on 1st

October 2008). The provisions of Class B which are relevant to this case are as follows:

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) any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;

(b) 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;

(c) 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;

(d) it would consist of or include—

(i) the construction or provision of a veranda, balcony or raised platform, or

(ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe; or

(e) the dwellinghouse is on article 1(5) land.

Conditions

B.2 *Development is permitted by Class B subject to the following conditions—*

(a) the materials used in any exterior work shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;

(b) other than in the case of a hip-to-gable enlargement, the edge of the enlargement closest to the eaves of the original roof shall, so far as practicable, be not less than 20 centimetres from the eaves of the original roof; and

(c) any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse shall 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.

In this case,

(a) no part of the extension exceeds the highest part of the existing roof

(b) none of the works extend beyond a roof slope which fronts a highway

(c) the cubic content of the resulting roof space is less than 50 cubic metres (being approximately 23 cubic metres)

(d) no veranda or chimney, etc is proposed

(e) the dwelling is not on article 1(5) land

Conditions: The architect has confirmed that the tile hanging for the proposed dormer will be completed in materials to match the existing dwelling. The dormer is more than 20cm from the eaves and proposed side window is obscure glazed and non-opening except for a top hung vent.

Class C reads as follows:

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) the alteration would protrude more than 150 millimetres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof;

(b) it would result in the highest part of the alteration being higher than the highest part of the original roof; or

(c) 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 a roof slope forming a side elevation of the dwellinghouse shall 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.

The rooflights comply with these provisions.

The proposal will thus meet the provisions of Classes B and C of Part 1 of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 and is therefore permitted development.

Recommendation

The Adur District Council hereby certify that on the 23 July 2009 the matter described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged in red on the plan attached to this certificate, was lawful within the meaning of Section 191 of the Town and Country Planning Act 1990 (as amended), and is APPROVED for the following reason: -

The proposed roof conversion comprising a rear dormer and front rooflights constitutes 'development' as defined by Section 55 of the Act and constitute 'permitted development' under Classes B and C of Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).

First Schedule

Proposed roof conversion comprising a rear dormer and front rooflights.

Second Schedule

18 Rosslyn Road, Shoreham-by-Sea, West Sussex, BN43 6WP

Case Officer [redacted]

Date 24/8/09