DELEGATED APPLICATIONS

ASSESSMENT SHEET

APPLICATION NO./ADDRESS

WB/10/0853/CLP

158 Salvington Rd
Worthing

DESCRIPTION OF DEVELOPMENT

Application for a Lawful Development Certificate for proposed roof alterations including new gable end wall and dormer window to rear elevation and velux roof lights to front elevation

The works comprise:

- adding a gable extension to the side of the hipped roof, measuring 3.5 metres deep; 7.2 metres wide and 3.35 metres to the ridge with a cubic volume of 13.46 metres ;
- extending the above across the flat roof of a flat roofed side garage. This has the same dimensions as the above, save that it is 2.35 metres deep with a cubic volume of2
- 8.34 metres .
- Building a flat roofed dormer on the part of the rear roof slope but also across part of the hip to gable described above. This is 3.2 metres wide; 1.8 metres tall and 2 metres deep with a cubic volume of 6.34 metres.
- A rooflight apiece in the hip to gable extension and extended gable above the garage in the front slope.
- The extension are faced in roof tiles to match and unspecified brickwork and hanging tile.

DATE OF SITE VISIT: 18.11.10

NEIGHBOURS CHECKED : Y / ~~N~~

ADDITIONAL NEIGHBOUR NOTIFICATIONS (LIST ADDRESSES):

SITE AND SURROUNDINGS:

The property which is the subject of this application is a 1950s semi detached bungalow set in a residential suburban area, facing Salvington Road. It is a single family dwelling house with a hipped roof and front projecting gable. It has been extended by the addition of an attached flat roofed garage on the side (1970) -which appears to have replaced an original garage -and conservatory at the back and the loft

converted. This is set back. The bungalow is faced in white render with plain tiles roof and has two rooflights in the front slope of the existing roof and two in the side.

RELEVANT PLANNING HISTORY:

Application Number	Development Description	Decision	Decision Date	Appeal Decision	Appeal Decision Date
08/0499/FULL	Construction of a single storey pitched roof side extension incorporating dormer window to rear elevation.	REFUSE THE APPLICATION	11-07-2008		
10/0853/CLP	Application for a Lawful Development Certificate for proposed roof alterations including new gable end wall and dormer window to rear elevation and velux roof lights to front elevation	PENDING			
275/54	OUTLINE APPLICATION FOR THE RESIDENTIAL DEVELOPMENT OF LAND WITH HOUSES. EXMOOR CRESCENT NO.1, 15-43 ODD, 2-30 EVEN. EXMOOR DRIVE NO.1,5-25 ODD, 40-56 EVEN. EXMOOR CLOSE NO.1 AND 19. MENDIP ROAD NO.76 NO.156 & 158 SALVINGTON ROAD (ROADWAY NO. 3 EXMOOR CRESCENT) ***APPEAL DECISION**	REFUSED	01-06-1954	APPROVED WITH CONDITIONS	15-04-1955
293/54	ERECTION OF TWO DETACHED BUNGALOWS. 156 & 158 SALVINGTON ROAD	REFUSED	01-06-1954		
639/54	OUTLINE APPLICATION SHOWING REVISED CURTILAGE FOR THE ERECTION OF ONE PAIR SEMI-DETACHED BUNGALOWS. 156 & 158 SALVINGTON ROAD	APPROVED WITH CONDITIONS	07-09-1954		
876/54	ERECTION OF ONE PAIR OF SEMI-DETACHED BUNGALOWS. 156 & 158 SALVINGTON ROAD	APPROVED WITH CONDITIONS	07-12-1954		
876A/54	REVISED PLANS FOR ONE PAIR SEMI-DETACHED BUNGALOWS ALREADY APPROVED 156 & 158 SALVINGTON ROAD	APPROVED WITH CONDITIONS	04-01-1955		

Building Control Applications for 158 Salvington Road, Worthing

Reference Number	Location	Proposal	Decision	Decision Date
04/68957/OTHBN	158 Salvington Road Worthing West Sussex Bn13 2ju	Loft Conversion	RECEIVED	
18353*2	158 Salvington Road Worthing	S/D BUNGALOW & GARAGE	PLANS APPROVED	22-11-1954
35075	158 Salvington Road Worthing	GARAGE	PLANS APPROVED	08-09-1970

(REPRESENTATIONS AND RELEVANT CONSULTATION RESPONSES :

None.

HUMAN RIGHTS:

Article 8 (Right to Respect of a Private and Family Life) and Article 1 of the First Protocol (Protection of Property) of the Human Rights Act 1998 are relevant to this application. It is accepted that the proposal, if approved, would have some impact on the neighbouring properties. However, it is considered that the level of development proposed would not cause undue harm in terms of additional noise, disturbance and loss of privacy and that, on balance, existing residential quality of life would not be adversely affected as a result of the proposal. Accordingly it is considered that it is acceptable with regard to Article 8 and Article 1.

PLANNING ASSESSMENT:

The test for any such Certificate of Lawfulness is whether on the balance of probability, the proposal is lawful with the onus on the applicant to demonstrate this to the satisfaction of the Local Planning Authority.

The principal issues raised by this proposal are:-

- Is the proposal development ?
- Is the proposal permitted development by virtue of the GPDO, taking into account any tolerances which may have been exhausted?

Is the proposal development ?

The extension works to the gable, new dormer and new windows clearly qualify as development as defined in S. 55 of the Town and Country Planning Act 1990.

Is the proposal permitted development by virtue of the GPDO, taking into account any tolerances which may have been exhausted?

The property is a single family dwelling house, which is a C3 use and is not listed. It falls to be assessed under Class B of the General Permitted Development Order 1995 as Amended Town and Country Planning Act 190 As Amended. This states that;

Permitted development comprises: **B.** The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.

Development which is not permitted under this is listed as follows

(a) any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof; *The hip t gable and rear dormer are below the ridge height of the roof and therefore, this restriction is not breached.*

(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;

This does not apply in respect of the hip to gable extension on the existing side roofslope, nor the rear dormer.

However, the lawfulness of the proposed gable extension above the garage is far from clear. It is recognized that the extension forms part of the hip to gable extension emerging from the side hip of the bungalow roof; and is clearly not independent of this being fully integrated internally into the loft extension and part of one building operation. That said, it does go beyond the envelope of the hipped roof of the bungalow and extends to cover a substantial part of flat roof of the side garage, though the front and rear parts of the garage roof remain untouched. It has long been accepted practice that an attached garage comprises part of the dwellinghouse and this is considered to apply here, noting that there is no internal connection between the garage and the bungalow. The garage is set back but does face the highway and does form part of the principal elevation of the bungalow. Provision of a pitched roof extension on the garage roof would extend beyond the flat plane of the existing flat roof, and, therefore to, this extent, breaches this restriction of Part B(b).

(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; *The property is a semi detached bungalow and the applicant calculates the volume of the roof extension to be 48.12 cubic metres and so less than the maximum tolerance*

(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.

These do not apply

The above is also subject compliance with prescribed conditions as follows:

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; *The finishes are similar.*

(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; ***This is met***

(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

These do not apply.

The windows in the existing roof fall to be assessed under Class C of the above as follows:

Permitted development: Any other alteration to the roof of a dwellinghouse.

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.

The above is also subject compliance with prescribed conditions as follows:

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 projection of the rooflights is not enumerated but the drawings indicate only minimal projection and so these requirements are satisfied.

RECOMMENDATION:

Do not issue Certificate on the basis that the proposed extension above the garage works are not Permitted Development under Schedule, Article 3, Part 1, Class B (b) of the General Permitted Development Order 1995 as Amended Town and Country Planning Act 190 As Amended.

IS RECOMMENDATION CONTRARY TO LETTER(S) OF REPRESENTATION?

Y / ~~N~~

DELEGATED

Case Officer
sign.....[redacted].....Date.....22·11·10.....

Authorising Offic[redacted]
sign.....[redacted].....Date.....22·11·10.....