Development Control – Delegated Officer Report

Application Number: **Recommendation – Approve**
AWDM/1324/12

Site: **24 Greenoaks, Lancing, West Sussex, BN15 0HN**

Proposal: **Application for Certificate of Lawfulness for proposed dormers to side roofslopes and windows to front and rear gables**

Date of site visit: 7 November 2012

Neighbours checked: N/A

Additional neighbour notifications: N/A

Proposal, Site and Surroundings

This is an application for a Certificate of Lawfulness where the planning merits of the development cannot be taken into account. The application is seeking a Certificate in respect of dormer windows to the north and south roofslopes.

The property is located in Greenoaks on a corner plot where the road bends around the northern boundary of the property. The proposed dormers will be flat roofed with vertical tile hanging to match the existing roof, measuring 9.1m wide, 2.5m high and 3.4m deep on the north elevation and 1.9m wide, 2.5m high and 3.4m deep on the south elevation.

Relevant site history

None

Consultations

Lancing Parish Council – No comments

Representations

None

Relevant Planning Policies

Not applicable

Planning Assessment

The dormers fall to be considered under Class B of Part 1 of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008. The provisions of Class B which are relevant to this case are as follows:

(a) No part of the dormers will exceed the highest part of the roof.
(b) The dormers are not being constructed on the roofslope which forms the principal elevation and fronts a highway – in this case the property has two prominent frontages and the development will be highly visible from the road as it bends around to the north. However, the Technical Guidance to Permitted Development for Householders published in 2010 states:

"In most cases, the principal elevation will be that part of the house which fronts (directly or at an angle) the main highway serving the house (the main highway will be the one that sets the postcode for the house concerned). It will usually contain the main architectural features such as main bay windows or a porch serving the main entrance to the house. Usually, but not exclusively, the principal elevation will be what is understood to be the front of the house. There will only be one principal elevation on a house. Where there are two elevations which may have the character of a principal elevation (for example, on a corner plot), a view will need to be taken as to which of these forms the principal elevation. Note, however, that in such cases the second elevation will also be subject to the restrictions under Class A if it is a side elevation and fronts a highway."

This limits the principal elevation to one frontage despite recognizing that there will be cases where two frontages have the character of a principal elevation and requires an arbitrary singular choice to be made in such circumstances.

An appeal decision from early 2011 suggests that in some cases there may legitimately be two principal elevations, notwithstanding the DCLG Technical Guidance (17 January 2011 – 12 St Andrews Road, London, W3 7NE**:** Planning Inspectorate Reference: APP/A5270/X/10/2137475 Inspector: David Murray BA (Hons) DMS MRTPI, London Borough of Ealing Reference: PP/2010/1863).

It is understood no Court has yet considered the definition of principal elevation in the revised General Permitted Development Order 2008.

In the current case, there are two frontages with the character of a principal elevation due to the property being on an open corner plot. The west elevation contains the front door, entrance gate and path. Vehicular access is from the north but the character of the north elevation, while longer than the west elevation, is clearly secondary to the principal front elevation to the west. Consequently, while the development will be prominent, under the provisions of Class B.1(b), the development is not considered to be on the principal elevation.

(c) The cubic content of the dormers is approximately 47 cubic metres, below the 50 cubic metres permitted for a detached dwelling such as this.
(d) No veranda, balcony or platform is proposed, nor any flue, etc
(e) The dwelling is not on Article 1(5) land

B.2 (a) The agent has confirmed that materials will be similar in appearance to the existing dwelling
(b) The dormers will be set back more than 20cm from the roof eaves
(c) The windows proposed in both dormers will all be obscure glazed and non-opening below 1.7m – this includes two bedroom windows in the northern dormer which will result in an unsatisfactory environment for such rooms. However, while the planning merits cannot be taken into consideration, the agent has agreed to install clear glazed windows in the front and rear gables which are permitted under Class A as they are not on a wall forming the side elevation.

Recommendation

The Adur District Council hereby certify that on (date of decision) 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 192 of the Town and Country Planning Act 1990 (as amended), and is APPROVED for the following reason: -

The proposed dormer windows as shown on drawing titled “Loft conversion @ 24 Greenoaks, Lancing, West Sussex” received 28 November 2012 constitutes ‘development’ as defined by Section 55 of the Act and is ‘permitted development’ under Classes A and B of Part 1 of the Schedule to the Town and Country Planning (General Permitted Development) Order 1995 (as amended)

First Schedule

Dormers to side roofslopes and windows to front and rear gables

Second Schedule

24 Greenoaks, Lancing

Case Officer: Peter Barnett Date: 28 November 2012

Authorised by: Gary Peck Date: 28 November 2012