

Initial Appeal Statement

Proposed Alterations to Roof

109 Hulbert Road, Havant, Hants, PO9 3TD



LPA Ref: APP/14/00837

APRIL 2015

APPELLANT: MR A GRAHAM

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This appeal relates to the refusal of application APP/14/00837 which was specifically for a hip to gable enlargement to the roof of the appellants house. That application was refused on the basis of the LPAs opinion that the works fell within Class A and not Class B. I strongly refute this view.

It remains my professional opinion that the works comprise permitted development within the provisions now set out in Schedule 2, Part 1, Class B of the GPDO 2015.

It also remains my professional view that Classes A and B are mutually exclusive - accordingly if development satisfies all of the criteria in Class B it is irrelevant what the provisions of Class A state.

Class B provides that the enlargement of a dwellinghouse consisting of an addition or alteration to its roof constitutes permitted development. However development is not permitted if:

B1:

- (a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P 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 veranda, 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.

These permitted development rights are 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) the enlargement shall 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;

(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.

In addition, the interpretation of Class B is as follows:

B2:

- 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.

- 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.

Assessment

In respect of these various criteria I can confirm the following facts:

- The works involve an alteration to the roof of the existing dwelling, comprising a hip to gable enlargement;
- The works do not exceed the highest part of the roof;
- They do not affect a roof plane facing the road;
- The cubic content of the works is below 50 cubic metres - this has been demonstrated to the LPA and they agree to our calculations;
- There is no veranda or other feature excluded by part (d);
- The dwelling is not on Article 2(3) land;
- The materials will match the existing;
- The B.2 (b) (i) limitation does not apply as this is a hip-to-gable enlargement;
- In the case of B.2(b)(ii) the works do not extend beyond the outside face of any external wall;
- There are no windows to be inserted in the wall or roof slope forming the side elevation.

On this basis it is clear that the proposed works constitute development permitted by virtue of Schedule 2, Part 1, Class B of the GPDO 2015.