Expiry Date - 17/05/2021

Development Control – Delegated Officer Report

Application Number: AWDM/0427/21 **Recommendation – REFUSE**

Site: **20 Oldfield Crescent Southwick Brighton West Sussex**

Proposal: **Application for a lawful development certificate for proposed two-storey rear extension**

Site visit: N

Proposal, Site and Surroundings

The site lies on the north side of Oldfield Crescent. The property is a detached dwelling with white render.

The site has been extended over the years with an extension built under building regulations in 1983 and a first floor rear extension completed in 1989.

The site does not lies within a Conservation Area and the building is not Listed.

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 A – Enlargement, improvement or other alteration of a dwellinghouse

A.1 Development is not permitted by Class A if-

a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q of Part 3 of the Schedule (changes of use);

Analysis: The dwellinghouse has not been created through change of use by virtue of Part 3. .

b) as a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);

Analysis: The ground cover by extension(s) will not exceed 50% of the total area of curtilage.

c) the height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;

Analysis: The height of the proposed two-storey extension does not exceed the height of the highest part of the roof of the existing dwellinghouse..

d) the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;

Analysis: The height of the eaves of the proposed two-storey extension does not exceed the height of the eaves of the existing dwellinghouse.

e) the enlarged part of the dwellinghouse would extend beyond a wall which:
i) forms the principal elevation of the original dwellinghouse; or
ii) fronts a highway and forms a side elevation of the original dwellinghouse;

Analysis: The proposed two-storey extension does not extend beyond a wall which forms the principal elevation of the original dwellinghouse or fronts a highway and forms a side elevation of the original dwellinghouse.

f) subject to paragraph g) the enlarged part of the dwellinghouse would have a single storey and-
i) extend beyond the rear wall of the original dwellinghouse by more than 4m in the case of a detached dwellinghouse, or 3m in the case of any other dwellinghouse, or
ii) exceed 4m in height;

Analysis: The proposed extension is two storey and therefore criteria (ah) needs to be considered

g) for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and-
i) extend beyond the rear wall of the original dwellinghouse by more than 8 m in the case of a detached dwellinghouse, or 6m in the case of any other dwellinghouse, or
ii) exceed 4m in height;

Analysis: The proposed extension is two storey and therefore criteria (ah) needs to be considered

ah) the enlarged part of the dwellinghouse would have more than a single storey and-
i) extend beyond the rear wall of the original dwellinghouse by more than 3m, or
ii) be within 7 m of any boundary of the curtilage of the dwellinghouse being enlarged which is opposite the rear wall of that dwellinghouse;

Analysis: The proposed two-storey extension does not extend beyond the rear wall of the original dwellinghouse by more than 3m and there is some 33m from the proposed extension to the boundary of the curtilage of the dwellinghouse which is opposite the rear wall of the dwellinghouse.

i) the enlarged part of the dwellinghouse would be within 2m of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3m;

Analysis: The proposed two storey extension is not within 2m of the boundary of the curtilage of the dwellinghouse and the height of the eaves exceeds 3m.

j) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would-
i) exceed 4m in height;
ii) have more than a single storey; or
iii) have a width greater than half the width of the original dwellinghouse; or
(ja) any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (e) to (j).

Analysis: The proposed two-storey extension does not extend beyond a wall forming a side elevation of the dwellinghouse so i) to iii) do not apply. The property has been extended in the past by way of an extension in 1982 completed in 1983 and a first floor rear extension completed in 1989. The proposed two-storey rear extension attaches to these extensions and therefore (ja) needs to be considered. The proposed two-storey rear extension attaches to an extension which extends beyond an original side wall and therefore is considered a wraparound extension and exceeds more than half the width of the original dwellinghouse. Therefore the proposed total enlargement exceeds the limits set out in sub-paragraphs (e) to (j)

k) it would consist of or include-
i) the construction or provision of a verandah, balcony or raised platform,
ii) the installation, alteration or replacement of a microwave antenna,
iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or
iv) an alteration to any part of the roof of the dwellinghouse.

Analysis: None of the above apply.

(I) 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.

A.2 In the case of a dwellinghouse on article 2(3) land:-

a) it would consist of cladding of any part of the exterior of the dwelling house with stone, artificial stone, pebble dash, render, plastic or tiles.
b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse;
c) the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwelling house.
d) any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (b) and (c).

Analysis: The dwelling is not on article 2(3) land.

A.3 Development is permitted subject to:-

a) materials must be of a similar appearance to those used in the construction of the exterior of the existing dwelling;
b) any upper-floor windows located in a wall or roof slope forming a side elevation must be:-
    i) obscured-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.
c) Where the enlarged part of the dwelling house has more than one storey or forms an upper storey on an existing enlargement of the original dwelling house the roof pitch of the enlarged part must so far as practicable be the same as the roof pitch of the original dwellinghouse.

Analysis: There are no upper-floor windows located in a wall or roof slope forming a side elevation. The roof pitch as far as practicable will be the same as the roof pitch of the original dwellinghouse.

Recommendation

Refuse Certificate of Lawfulness for Proposed Development,

Reasons for Recommendation

The proposal constitutes ‘development’ as defined in Section 55 of the Town and Country Planning Act 1990, but is not permitted under the provisions of Part 1, Schedule 2 of Town and Country Planning (General Permitted Development) (England) Order 2015 because The proposed two-storey rear extension attaches to an extension which extends beyond an original side wall

and therefore is considered a wraparound extension and exceeds more than half the width of the original dwellinghouse. Therefore the proposed total enlargement exceeds the limits set out in sub-paragraphs (e) to (j)

Case Officer:	Elaine Rousseau	Date: 12/05/2021
Authorised by:	Peter Barnett	Date: 13 May 2021