Expiry Date - 10/06/2024

Development Control – Delegated Officer Report

Application Number: AWDM/0499/24 Recommendation – APPROVE

Site: 5 Lingfield Close Worthing West Sussex BN13 2DZ

Proposal: Application for a Lawful Development Certificate for a Proposed Loft Conversion and Rear Box Dormer with 2No. Front Roof Lights and Side (South) Window

Site visit: 20/05/2024

Site and Surroundings

The application property is a semi-detached bungalow located to the west side of Lingfield Close. The property comprises predominantly facing brick elevations, an interlocking tiled gable roof, and white UPVC openings. The property is set back a moderate distance from the public realm behind a shallow brick wall and vehicle access. Hardstanding occupies the front garden space. The property's plot widens to the rear creating a larger side/ rear garden space, set behind a tall wall and gate which projects from the property's side (south) elevation. The rear garden space comprises a mixture of paving, grass, trees and shrubberies along with a garage likely used as storage and a greenhouse. A rear projection labelled as a dining room on the submitted plans extends into the rear garden space at a modest depth and scale. The attached neighbour No. 6 Lingfield Close to the north is separated by a tall close boarded fence and appears to be a mirrored copy of the application property. This neighbour has achieved a roof extension by way of a rear dormer and front roof lights and has substantially completed a single-storey rear extension, albeit there appears to be no recorded permission for the rear extension on the Council's database.

The property is not located within a Conservation Area and is not a Listed Building.

Proposal

A Lawful Development Certificate for proposed use is sought for a rear dormer with 2No. rear facing windows, 2No. front roof lights, and a side (south) window.

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 B _ The enlargement of a dwellinghouse consisting of an addition or alteration to its roof

B.1 Development is not permitted by Class B 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) The height of the roof extension would exceed the highest part of the existing roof;

Analysis: The height of the enlargement does not 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;

Analysis: The roof extension does not project beyond the plane of an existing roof slope which forms the principal elevation of the dwelling house and fronts a highway.

(d) the cubic content of the resulting roofspace would exceed the cubic content of the original roof by more than:-
i) 40 cubic metres in the case of a terrace house, or
ii) 50 cubic metres in any other case.

Analysis: The cubic content of the enlargement would be approximately 36m^3 which does not exceed the threshold of 50 cubic metres for this property.

(e) it would consist of or include:-
i) a verandah, balcony or raised platform or
ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe;

Analysis: The development includes the removal of a chimney stack but this is permitted under Class G – ‘chimneys, flues etc on a dwellinghouse’ of the act.

(f) the dwellinghouse is on article 2(3) land

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

(g) 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.

B.2 Development is permitted subject to:-

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

Analysis: The extension would be finished in materials to match the existing building as noted on the submitted drawings.

(b) the enlargement must be constructed so that:-

i) other than in the case of a hip-to-gable 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 0.2m 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 dwelling house.

Analysis: The eaves of the original roof would be maintained and the proposed enlargement would be set up no less than 0.2m from the outside edge of the eaves. No part of the enlargement would extend beyond the outside face of any external wall of the original dwelling house.

c) any window inserted on a wall or roof slope forming a side elevation of the dwelling house must be:-

i) obscure 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.

Analysis: The new window to the first-floor side (south) elevation is annotated to be fixed shut up to 1.7m above FFL and obscure glazed.

Class C – Alterations to the roof of a dwelling house

C.1 Development is not permitted by Class C if:-

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

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

b) The alteration would protrude more than 0.15m beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof;

Analysis: The roof lights would not project more than 150mm beyond the plane of the roof slope.

c) The height of the highest part of the alteration would exceed the highest part of the original roof;

Analysis: The roof light would not exceed the highest part of the original roof.

(d) 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.

Analysis: The development includes the removal of a chimney stack but this is permitted under Class G – 'chimneys, flues etc on a dwellinghouse' of the act.

(e) 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.

C.2 Development is permitted subject to the condition that any window located on a roof slope forming a side elevation of the dwelling house must be:-

a) obscure-glazed, and
b) 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.

Analysis: The new window to the first-floor side (south) elevation is annotated to be fixed shut up to 1.7m above FFL and obscure glazed.

Class G – chimneys, flues etc on a dwellinghouse

G.1 Development is not permitted by Class G if—

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

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

(b) the height of the chimney, flue or soil and vent pipe would exceed the highest part of the roof by 1 metre or more;

Analysis: The chimney stack is to be removed and not replaced.

(c) in the case of a dwellinghouse on article 2(3) land, the chimney, flue or soil and vent pipe would be installed on a wall or roof slope which— (i) fronts a highway, and (ii) forms either the principal elevation or a side elevation of the dwellinghouse.;

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

(d) 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.

Recommendation

Issue a Certificate of Lawfulness for Proposed Development, the submission of a planning application for the works will not be required.

Reasons for Recommendation

The proposal constitutes 'development' as defined by Section 55 of the Town and Country Planning Act 1990, but is permitted by Class B, C, and G of Part 1 Schedule 2 of Town and Country Planning (General Permitted Development) (England) Order 2015.

Case Officer: Jason Albon Date: 06/06/2024

Authorised by: Jo Morin Date: 06.06.2024