LEWIS & CO

SUPPORTING STATEMENT

128 TARRING ROAD, WORTHING, BN11 4HA

ON BEHALF OF KTLX LTD

Client: KTLX LTD

Site Location: 128 TARRING ROAD, WORTHING, BN11 4HA

Job History:

Version	Date	Author	Checked	Notes
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RTPI
Chartered Town Planners

1.0 INTRODUCTION AND SUMMARY

1.1 This Statement has been prepared on behalf of KTLX Ltd (the applicant) in support of an application for a certificate of lawful use or development (proposed) at 128 Tarring Road, Worthing.

1.2 The proposed development is a *change of use to Use Class C4, 2no front rooflights and rear roof dormer extension.*

1.3 The property is a lawful Use Class C3 'dwellinghouse' for the purposes of the Town and Country (General Permitted Development) (England) Order 2015 and therefore benefits from normal householder permitted development rights.

1.4 Planning permission for both aspects of the proposed development is granted by virtue of the Town and Country Planning (General Permitted Development) (England) Order 2015.

1.5 The Statement should be read alongs the submitted drawings prepared by BPM Architectural Services Ltd:

- 3134.01: Existing Location Plan, Floor Plans, Elevations and Section
- 3134.02: Proposed Block Plan, Floor Plans, Elevations, Section and Details (Volume Calculation)

1.6 This Statement will demonstrate that the proposed development meets the relevant requirements of the General Permitted Development Order and would therefore be lawful.

2.0 APPLICATION SITE & SURROUNDING AREA

2.1. 128 Tarring Road is a two-storey mid-terraced house within central Worthing.

2.2. The property is on the north side of Tarring Road opposite St Matthews Church and the junction with Shakespeare Road. The site is within easy walking distance of both Worthing and West Worthing railway stations and close to the town centre.

2.3. The property forms part of a linear pattern of development immediately south of the railway.

2.4. The house was built as a single dwellinghouse and continues to be arranged in this way with a ground floor living room and kitchen/dining room, a shared/family bathroom at first floor level, and ground and first floor bedrooms. Residents will share normal facilities required for day-to-day private domestic existence (i.e. the 'Gravesham test' in planning law).



Site and surrounding context

2.5. The property is currently a four bedroom dwelling with an additional box/office room at first floor level.

2.6. The second floor roof space is currently a loft space, served by three existing rooflights.

2.7. The property benefits from a large rear garden.

2.8. The property is not a listed building and is not located within a conservation area.

3.0 PLANNING HISTORY

3.1 The application site has not been subject to any recent applications.

3.2 A certificate of lawfulness for a similar rear roof extension was granted at 131 Tarring Road on the southern side of the road in 2024 under application reference AWDM/0345/24.

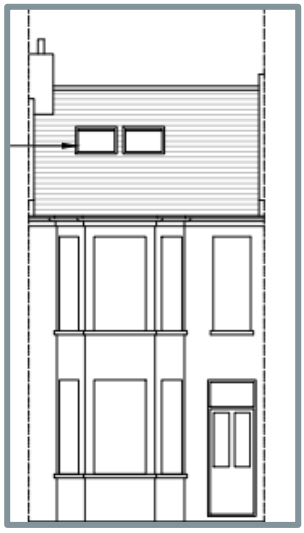
4.0 PROPOSED DEVELOPMENT

4.1 The proposals are comprised of a change of use to Use Class C4 (house in multiple occupation), rear dormer roof extension and 2no front rooflights.

4.2 The change of use from Use Class C3 (single dwellinghouse) to Use Class C4 (house in multiple occupation) relates to the relationships between occupants and does not require any specific physical changes to the property. However internal works (which don't require planning permission) are proposed to alter the internal layout of the building.

4.3 All bedrooms would be single occupancy and let to unrelated individuals as a Use Class C4 house in multiple occupation. Under the limitations of Use Class C4, the property would not be occupied by more than six unrelated occupants.

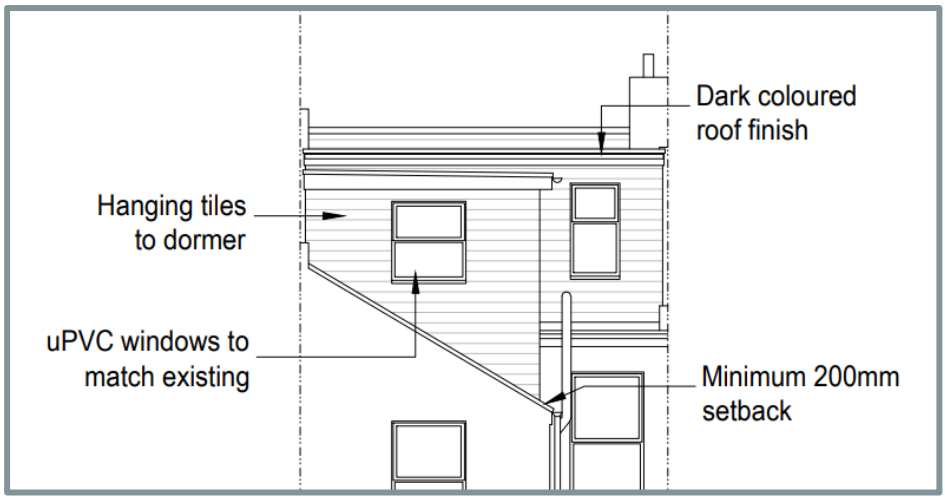
4.4 Two new rooflights are proposed within the front roofslope. The rooflights would lie broadly flush with the existing roofslope with only a minor projection that would remain below the 150mm limit. The three existing rooflights at the rear of the property are positioned where the new rear dormer is proposed and will therefore not be retained.



Proposed Front Rooflights

4.5 The proposed rear dormer will be an L-shaped dormer extending over the outrigger roof. The extension will be clad in matching tiles and will be setback from the eaves by 20cm. The works will improve headroom in the main loft space

and create more usable floorspace over the outrigger, along the creation of a second floor bedroom, bathroom and storage space.



Proposed Rear Dormer

4.6 The total cubic content of the proposed roofslope would not increase by more than 40 cubic metres (the maximum threshold for permitted development on a terrace house under Class B). Volume calculations on the proposed dormer on Drawing Number 3134/02 show a total additional volume of 39.717m^3.

4.7 Internal works will provide stair access to the second floor roofspace and alterations to the internal layout are proposed on all three floors to increase the total number of bedrooms from four to six. All proposed bedrooms will benefit from a dedicated bathroom or ensuite. Changes to the internal layout do not constitute development (as defined by the Town and Country Planning Act) and therefore do not require planning permission.

5.0 LAWFULNESS OF PROPOSED WORKS

5.1 Section 57 (1) of the Town and Country Planning Act 1990 (as amended) states:

"(1)Subject to the following provisions of this section, planning permission is required for the carrying out of any development of land."

5.2 Section 58 (1) (a) states:

"Granting of planning permission: general.

i. Planning permission may be granted—

(a) by a development order, a local development order or a neighbourhood development order;"

5.3 Under Section 57 (1) of the Town and Country Planning Act 1990, planning permission is required for the carrying out of any development of land. However, Section 58 (1) of the Act allows planning permission to be granted by development orders enacted by the Secretary of State, including the GPDO. In these circumstances, an application for planning permission is not required and any works undertaken within the stated tolerances/parameters is lawful in planning terms.

5.4 The works proposed are lawful as the Town and Country (General Permitted Development) (England) Order 2015 (as amended) (the 'GPDO') grants planning permission for both aspects of the development.

5.5 In respect of the proposed change of use to Use Class C4, planning permission is granted within the GPDO under *Schedule 2, Part 3, Class L (small HMOs to dwellinghouses and vice versa).*

5.6 In respect of the proposed rear roof dormer extension, planning permission is granted within the GPDO under *Schedule 2, Part 1, Class B (additions etc to the roof of a dwellinghouse).*

5.7 In respect of the proposed front rooflights, planning permission is granted within the GPDO under *Schedule 2, Part 1, Class C (any other alteration to the roof of a dwellinghouse).*

5.8 The change of use to Use Class C4 has no bearing on the eligibility of the property for householder permitted development rights for dwellinghouses. The Use Classes Order defines Use Class C4 (small house in multiple occupation) as the use of a 'dwellinghouse', as defined below:

"Class C4. Houses in multiple occupation
Use of a dwellinghouse by not more than six residents as a "house in multiple occupation"."

5.9 Additionally, case law (including *London Borough of Brent v Secretary of State for Levelling Up, Housing and Communities & Anor [2022] EWHC 2051 (Admin)*) has considered whether these same permitted development rights under Schedule 2, Part 1 of the GPDO (Development within the curtilage of a dwellinghouse) also extend to Use Class C4 (small HMOs) dwellinghouses.

5.10 By definition, a building can therefore be both a dwellinghouse and an HMO, as the building's HMO classification relates specifically to the use of the dwelling rather than its factual basis as a 'dwellinghouse' (or otherwise).

5.11 The classification of the building as Use Class C4 is defined by the Use Classes Order, rather than the 'Gravesham test'. Under the Gravesham test, the distinctive characteristic of a "dwelling house" is its ability to afford to those who use it the facilities required for day-to-day private domestic existence. In the case of 128 Tarring Road these facilities are clearly present, in the form of a shared kitchen/dining space and garden, as well as individual bedrooms and bathrooms.

5.12 The Planning Inspectorate have produced a Guidance Note entitled *Houses in Multiple Occupation (HMOs) and Permitted Development Rights* (dated 15th January 2014) confirming that a House in Multiple Occupation can benefit from permitted development rights within the GPDO. The Guidance Note states:

"2. Houses in Multiple Occupation, including those which fall within Class C4 can benefit from the permitted development rights granted to dwellinghouses by the GPDO. Class C4 use is defined as use of a dwellinghouse by not more than six residents as a "house in multiple occupation".

3. The test for whether a property is eligible to use the permitted development right is whether it can be considered a "dwellinghouse" within the context of the GPDO. This will depend on the facts of the case."

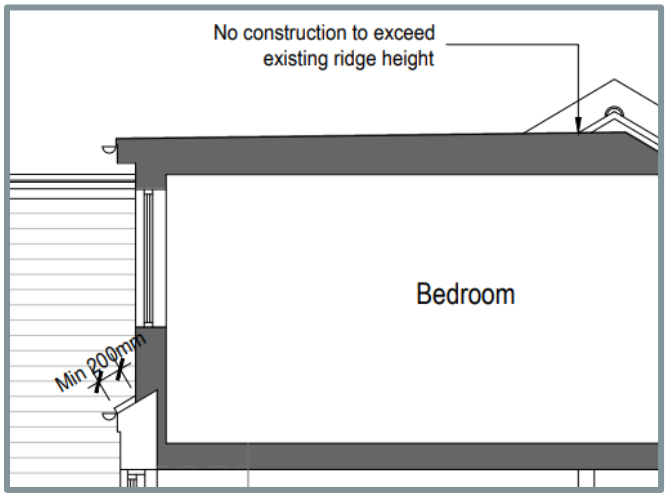
5.13 On this basis, the proposed use of the application property as a Use Class C4 Small HMO would remain a 'dwellinghouse' with the same permitted development rights as a Use Class C3 dwellinghouse.

5.14 Compliance with each relevant Class of the GPDO is set out in detail below:

Class B - additions etc to the roof of a dwellinghouse

5.15 Class B permitted development includes relevant enlargements consisting of additions or alterations to the roof of the dwellinghouse. The works falling within this Class consist of the proposed rear dormer extension.

5.16 The rear dormer extends over both the main rear roofslope of the house and the rear outrigger roofslope.



Drawing extract showing height below main ridge line and 20cm setback from eaves

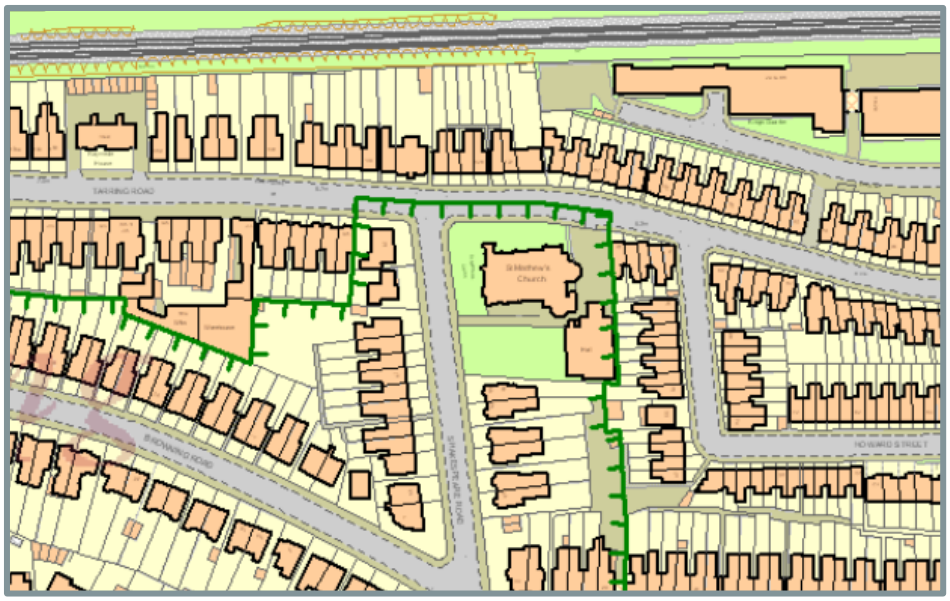
5.17 Neither extension would exceed the highest part of the existing roof. The proposed works would not extend beyond the plane of the existing roof slope which forms the principal/front elevation of the dwellinghouse due to the location of the dormer at the rear of the property.

5.18 As set out in Section Four, the combined additional volume proposed is 39.717m^3. Relevant calculations are set out below. This would not exceed the threshold of 40 cubic metres within Class B for a terrace house and is therefore compliant.

Total additional volume = 39.717m^3
Dormer extension to main roofslope (rear): 3.82m2 x 4.35m (width) = 16.617m^3
Dormer extension to outrigger roofslope: 5.5m2 x 4.2m (width) = 23.1m^3

5.19 The proposed extension incorporates no features that would exclude the development from Class B, including no conflict with B1.E, with no balcony or chimney (or similar) proposed.

5.20 The property is not located on Article 2 (3) land. The closest relevant area is the Shakespeare Road Conservation Area, which does not include any properties on the northern side of Tarring Road:



Shakespeare Road Conservation Area Map - Extract

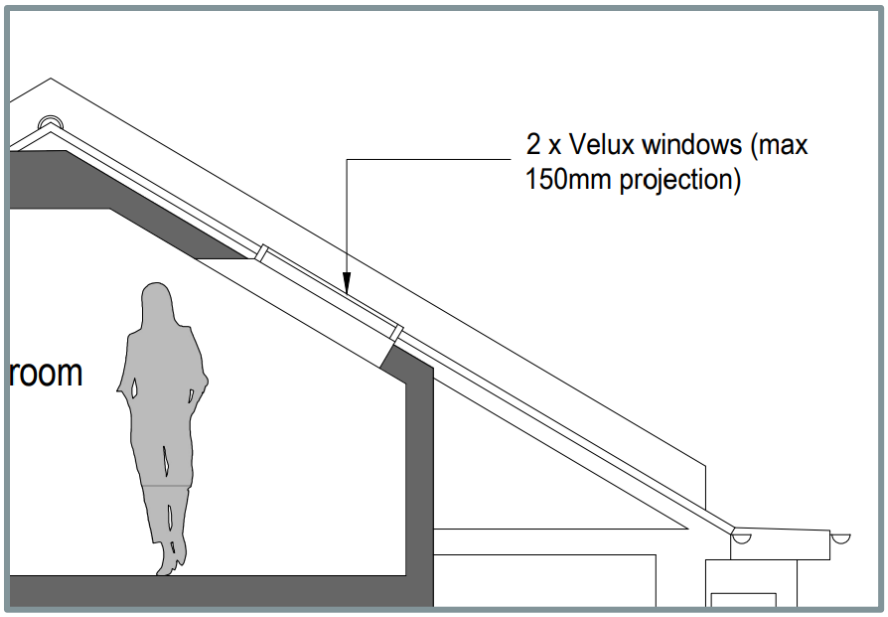
5.21 The materials proposed will match the existing dwelling, including the use of matching tiles to the external face of the dormer extension and matching uPVC windows.

5.22 As noted above, the extension will be set back from the existing eaves by a minimum of 20cm.

5.23 The side facing window within the outrigger roof extension shall be obscure glazed and non-opening as required under B.2 (c). This window is a secondary window serving a proposed bathroom and therefore benefits from being obscure glazed (and is not required for natural ventilation).

Class C - other alterations to the roof of a dwellinghouse

5.24 The only works falling within this Class are proposed rooflights on the front roofslope.



Section Drawing showing Proposed Front Rooflight

5.25 The rooflights would sit broadly flush with the front roofslope and any projecting elements would protrude no more than 0.15 metres from the plane of the roofslope.

5.26 The proposed rooflights sit below the ridge of the roof and no new chimneys, flues or solar photovoltaic equipment are proposed.

5.27 The proposal therefore meets the relevant conditions of Class C in full.

Class L – small HMOs to dwellinghouses and vice versa

5.28 The property is an existing lawful Use Class C3 dwellinghouse. The change of use of the property from Use Class C3 to Use Class C4 is therefore permitted by Class L.

5.29 There is no Article 4 Direction restricting this change of use within Worthing borough.

5.30 Use Class C4 is defined within the Use Classes Order as "*Use of a dwellinghouse by not more than six residents as a "house in multiple occupation"*". The proposed bedrooms are all to be let for single occupancy only and therefore the maximum number of unrelated occupants is six. The proposed use therefore falls within Use Class C4.

6.0 CONCLUSIONS

6.1 A Lawful Development Certificate is sought for the proposed works at 128 Tarring Road, Worthing for a *change of use to Use Class C4, 2no front rooflights and rear roof dormer extension*.

6.2 The Statement demonstrates that the development proposed meets the relevant requirements of Class B and C householder permitted development rights as well as the requirements for a Class L change of use. As all relevant conditions are met the proposed development would therefore be lawful.

6.3 In light of the above, the Applicant respectfully requests that the local planning authority issue a Certificate of Lawful Use to confirm that the proposed development is lawful and benefits from planning permission under the Town and Country Planning (General Permitted Development) (England) Order 2015.

Lewis and Co Planning
September 2025