Development Control – Delegated Officer Report

Application Number: AWDM/1011/23 **Recommendation – APPROVE**

Site: **15 Charmandean Worthing West Sussex BN14 9LQ**

Proposal: **Application for Certificate of Lawfulness for existing loft conversion with rooflights and rear dormer and single storey rear extension.**

Date of site visit: 22/09/2023

Neighbours consulted: N

Additional neighbour notifications: N

Site and Surroundings

The site is located to the north of Charmandean Road. The property comprises of a large semi-detached, 2-storey house with a feature bay in the gable, red brick on the ground floor and render to the upper floors. The building is set back from the street with a front garden with garages set back from the properties. The building is not within a conservation area, nor is the building listed.

Proposal

A Lawful Development Certificate for an existing development is sought for a single storey rear extension and dormer to the rear with accompanying rooflights.

The extensions and alterations have resulted in the formation of 4 bedrooms at first floor and 2 bedrooms with a bathroom and cupboards on the second floor with an enlarged open-plan kitchen/dining area on the ground-floor with w/c and utility room.

The only alteration visible to the frontage of the building is the introduction of two ‘velux’ windows on the principal elevation. All materials match that of the existing dwellinghouse.

The works were substantially completed on 03/07/2018.

Relevant Planning History: N/A

Consultations: N/A

Representations: None received

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 (as amended).

Consideration

Schedule 2, Part 1 – Development within the curtilage of a dwellinghouse

Class A – enlargement, improvement or other alteration of a dwellinghouse.

Permitted Development

A. The enlargement, improvement or other alteration of a dwellinghouse.

Development not permitted

A.1 Development not permitted by class A 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: Not applicable

(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 total area covered does not exceed 50% of the total area of the 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 extension would not exceed the height of the existing dwelling.

(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 single storey nature of the extension will not exceed the eaves.

(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: None of the above apply.

(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 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or

(ii) exceed 4 metres in height;

Analysis: The maximum height is below that permitted at 3.7m.

(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 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or

(ii) exceed 4 metres in height;

Analysis: The depth of the extension to the rear has a maximum depth of 3m.

(h) 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 3 metres, or

(ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse being enlarged which is opposite the rear wall of that dwellinghouse;

Analysis: The extension is 3m in depth and single storey.

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

Analysis: None of the above apply.

(j) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would—

(i) exceed 4 metres in height,

(ii) have more than a single storey, or

(iii) have a width greater than half the width of the original dwellinghouse;

Analysis: None of the above apply.

(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: None of the above apply.

(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.; or

Analysis: None of the above apply.

(l) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).

Analysis: None of the above apply.

Class B – additions etc to the roof of a dwellinghouse

Permitted Development

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

Development not permitted

B.1 Development not permitted by Class B 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 property was not developed under one of those classes.

(b) any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;

Analysis: The development fits comfortably within the roof space.

(c) any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;

Analysis: The dormer fits comfortably within the existing roof and not go above the existing highest part.

(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;

Analysis: The dormer has a cubic meterage of 18.38.

(e) it would consist of or include —

(i) the construction or provision of a verandah, balcony or raised platform, or

(ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe; or

Analysis: Not Applicable.

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

Analysis: Not Applicable.

(g) the dwellinghouse is built under part 20 of this Schedule (construction of new dwellinghouses).; or

Analysis: Not Applicable.

(h) the existing dwellinghouse has been enlarged in reliance on the permission granted by Class AA (enlargement of a dwellinghouse by construction of additional storeys).

Analysis: Not Applicable.

The dormer is considered to be compliant with this Class of the General Permitted Development Order.

Class C – other alterations to the roof of a dwellinghouse.

Permitted Development

C. Any other alteration to the roof of a dwellinghouse.

Development not permitted

C.1 Development 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: Not applicable

(b)the alteration would protrude more than 0.15 metres 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 velux widows do not protrude further than that permitted.

(c)it would result in the highest part of the alteration being higher than the highest part of the original roof;

Analysis: All alterations have been hosted within the existing roof space.

(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; or

Analysis: Not applicable

e)the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).

Analysis: Not applicable

The velux windows are considered to be compliant with this Class of the General Permitted Development Order.

Conclusion

The application has been considered under Classes A, B and C of Schedule 1 Part 2 for the loft conversion with roof lights and rear dormer and single storey rear extension. It is considered that the development would be compliant with the aforementioned Classes.

The Local Planning Authority is satisfied that the development described in the application and shown on the submitted plans and drawings was substantially completed 4 or more years ago and is lawful in planning terms having become exempt from enforcement action through the passage of time.

Recommendation

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

Reasons for Recommendation

The Council is satisfied that the development has been substantially completed for 4 or more years and is therefore lawful in planning terms through the passage of time, but also that the extensions and alterations as described would have constituted ‘permitted development’ under the provisions of Classes A, B and C, Part 1, Schedule 2 of the Town and Country Planning

(General Permitted Development) Order (as amended) at the time the works were carried out.

Case Officer:	Finlay Gardner	Date: 25/09/2023
Authorised by:	Jo Morin	Date: 25.09.2023