Development Management - Delegated Officer Report

Application Number: AWDM/0633/24 Recommendation – APPROVE

Site: 2 Millcroft Avenue, Southwick, BN42 4RU

Proposal: Application for a Lawful Development Certificate for a proposed rear extension, front porch, and rooms in roof including a rear dormer and front rooflight at the front.

Date of site visit: Assessment has also been assisted using the Applicants plan; Earthlight mapping; and Google 3D of the site

Neighbours checked: Y

Additional neighbour notifications: N

Site and Surroundings:

No. 2 Millcroft Avenue is located on the east side of the road and is a 1 ½ storey chalet bungalow. The chimney was originally in a central position on the ridge, but no. 4 has undertaken a large ground and first floor side extension (including garage and extension of front dormer), which has altered the centrality of the chimney.

The bungalow is on raised land with the gardens sloping down from the house The site is also on a corner site with Downland Avenue to the south of the junction with Millcroft Aveneu.

Both no. 2 and the adjoining chalet no. 4, have small flat roof dormers to the front elevation, and they have Sussex hipped end roofs. No. 4 has a rear pitched roof dormer and rooflights to its rear roofslope.

The near locality to the application site, is characterised by predominantly bungalows in detached, and semi-detached form. Many of the dwellings have been extended to the rear and some also have dormers. Further along the road, in The Drive for example, are two storey dwellings

The site is not a Listed Building or within a Conservation Area.

Relevant Planning History:

AWDM/0195/24 Single storey side extension. **No. 2** **Approved 12.03.2024**

(The extension approved was for a small single storey side extension with a hipped roof. 1.3m wide and slightly set in from the front and rear of the site.)

SW/44/93/TP Ground and first floor side extension (including garage and extension of front dormer) **No. 4** **Approved 08.09.1993**

Proposal:

A Certificate of Lawfulness is sought for a:-

- A single storey rear extension, one section with a flat roof and the other section with a pitched roof measuring 8m wide x 3m deep. The height of the flat roof will be approx. 2.45m and the pitched roof to be approx. 3.9m to the ridge. (4.35m from the lower ground level).
- A front porch shown to measure 2.3m wide x 1.3m deep x 3m high;
- A flat roof rear dormer measuring approx. 6.2m wide x 2.5m high x 3m deep; and
- 1no. rooflight to the front roofslope.

NB: None of the proposed works applied for under this LDC will be attached to the side extension that was approved under AWDM/0195/24

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 is 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: The above does not apply

(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 extension does not exceed 50% of the total area of the curtilage etc.

(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 rear extension is single storey and therefore will not exceed the dwelling height.

(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 rear extension is single storey, and the eaves will be lower than the first floor eaves of the chalet bungalow.

(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.

(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 enlargement will be single storey rear extension will not exceed 3m in depth and the height will not exceed 4m as measured to natural ground level to the rear of the extension.

(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: Does not apply

(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: Does not apply, as 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: The extension is not within 2m of a boundary etc.

(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; or

Analysis: None of the above applies.

(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 applicant has confirmed that the single storey rear extension would be constructed and completed before the works for the dormer begin.

(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

A.2 In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if—

(a) it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;

(b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or

(c) the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse.

(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 site is not on article 2(3) land

Conditions

A.3 Development is permitted by Class A subject to the following conditions—

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

Analysis: The submitted Statement states that the materials for the rear extension will be similar/complementary in appearance to the existing house.

(b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must 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; and

Analysis: Does not apply as it is a ground floor rear extension.

c) where the enlarged part of the dwellinghouse has more than a single storey, or forms an upper storey on an existing enlargement of the original dwellinghouse, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.

Analysis: None of the above applies.

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 is not permitted by Class B if:-

a) The dwellinghouse has been granted only by virtue of Class G, M, MA, N, P, PA or Q.

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 flat roof of the rear dormer and the front rooflight are below the highest part of the existing roof.

(c) the roof extension would extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway;

Analysis: The rear dormer will not be onto the principal elevation etc.

(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 submitted proposed loft floor plan has been notated and states that the cubic capacity of the rear dormer would be 19.84m^3 The 40 m^3 is thereby not exceeded.

(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;

Analysis: None of the above

(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); or

Analysis: The dwellinghouse has not been created by virtue of Part 20.

(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: The above does not apply.

B.2 Development is permitted subject to the following conditions:-

(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 agent confirms that the materials used for the rear dormer will be of a similar appearance to those used in the construction of the existing house in an email dated 07.08.2024

(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 proposal complies with the above.

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: There are no new windows shown to be included within the side elevations of the dormer.

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 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 0.15 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 Agent has confirmed that the front rooflight will not protrude more than 0.15m in an email received 07.08.2024

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

Analysis: The rooflights etc., will not be higher than the highest part of the original roof, namely the ridge.

(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: None of the above are shown on the submitted plans

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

Analysis: The above does not apply

Conditions

C.2 Development is permitted by Class C subject to the condition that any window located on a roof slope forming a side elevation of the dwellinghouse must be— (a) obscure-glazed; and (b) 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.

Analysis: There are no new windows shown to be installed on the side elevation of the dwellinghouse.

Class D – porches

Permitted development

D. The erection or construction of a porch outside any external door of a dwellinghouse.

Development not permitted

D.1 Development is not permitted by Class D 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 ground area (measured externally) of the structure would exceed 3 square metres;

Analysis: The proposed roof plan and surrounding area has notated that the proposed porch will be 3 square metres.

(c) any part of the structure would be more than 3 metres above ground level; or

Analysis: The proposed west elevation plan, is notated to show that the porch will be 3 metres high.

(d) any part of the structure would be within 2 metres of any boundary of the curtilage of the dwellinghouse with a highway.; or

Analysis: The proposed porch will not be within 2 metres of any boundary of the curtilage of the dwellinghouse etc.

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

Analysis: The above does not apply.

Recommendation

Issue a Certificate of Lawfulness as the proposal is permitted development by Class A; Class B; Class C; and Class D within Schedule 2 Part 1 of Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.

Reasons for Recommendation

The proposal constitutes ‘development’ as defined by Section 55 of the Town and Country Planning Act 1990, and is permitted by Class A; Class B; Class C; and Class D of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended

NB: It is noted that part of the pitched roof of the ground floor rear extension will be attached to the rear dormer. This will only be acceptable to constitute permitted development if the ground floor extension is undertaken first, and independently of any works relating to the dormer extension. Otherwise, a separate planning application will be required for the single storey extension.

The Agent has confirmed that this will be the case. But for the avoidance of doubt an informative will be attached to the issued certificate.

Case Officer: Eve Hearsey Date: 13.08.2024

Authorised by: Peter Barnett Date: 13 August 2024