# Development Management - Delegated Officer Report

**Application Number: AWDM/1347/25 Recommendation – APPROVE**

**Site: 36 Adur Avenue, Shoreham-by-Sea, BN43 5NL**

**Proposal: Application for a Lawful Development Certificate for proposed loft conversion including rear dormer, front rooflights and side window; garden room in rear garden.**

**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. 36 Adur Avenue is situated on the east side of the road and is a semi-detached two storey dwelling. It has a rear single storey extension and outbuildings within the rear garden. The space between the application site and its neighbour no. 38 appears to be a shared drive to each of their garages at the rear, and there is an existing vehicular crossover at the front.

The street contains residential dwellings of two stories and single storey. Many properties have been extended.

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

**Relevant Planning History:**

**AWDM/0652/12** Construction of a single storey flat roofed extension with raised rooflight to rear elevation (following removal of existing sun room). **Approved 29.06.2012**

**Proposal:**

A Certificate of Lawfulness is sought for a:-

- Loft extension comprising:-
  - Flat roof rear dormer;
  - Rooflights to front roofslope;
  - Side window within gable end;
  - Detached garden room positioned close to side boundary no. 38

**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 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 rear dormer extension will be positioned lower than the existing ridge of the roof, therefore the height of the roof extension would not exceed 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 roof extension will not be on the principal elevation but on the rear, and it will not front 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 submitted plans are notated to show that the new dormer will total 21.19$m^{3.}$ The 50 $m^3$ 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 are shown on the application.

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

**Analysis:** The dwellinghouse 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 storey).

**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 submitted planning statement states that the materials will be of similar appearance to the existing property.

(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 statement says that the dormer is set back more than 200mm from the eaves level of the existing roof.

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 submitted statement says that the new side facing window would be obscurely glazed and either fixed shut or and any fanlight will be 1.7m above the floor

**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 plans statement states that the rooflights will not protrude more than 150mm above the roof surface.

(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:** The submitted statement says that the new side facing window would be obscurely glazed and either fixed shut or and any fanlight will be 1.7m above the floor

**Class E – buildings etc incidental to the enjoyment of a dwellinghouse**

**Permitted development**

**E. The provision within the curtilage of the dwellinghouse of—**

**(a) any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure; or**

**(b) a container used for domestic heating purposes for the storage of oil or liquid petroleum gas.**

**Development not permitted**

E.1 Development is not permitted by Class E 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 total area of ground covered by buildings, enclosures and containers within the curtilage (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 of ground covered by buildings etc. would not exceed 50% etc.

(c) any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse;

**Analysis:** The proposed garden room will not be forward of the dwelling etc.

(d) the building would have more than a single storey;

**Analysis:** The proposed garden room is single storey only.

(e) the height of the building, enclosure or container would exceed—

(i) 4 metres in the case of a building with a dual-pitched roof,

(ii) 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse, or

(iii) 3 metres in any other case;

**Analysis:** The height of the proposed garden room is shown to be 2.499m which accords with (ii) above.

(f) the height of the eaves of the building would exceed 2.5 metres;

**Analysis:** The eaves height would not exceed 2.5m

(g) the building, enclosure, pool or container would be situated within the curtilage of a listedbuilding;

**Analysis:** The building is not listed.

(h) it would include the construction or provision of a verandah, balcony or raised platform;

**Analysis:** Does not include any of the above.

(i) it relates to a dwelling or a microwave antenna;

**Analysis:** None of the above.

(j) the capacity of the container would exceed 3,500 litres.; or

**Analysis:** Does not apply

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

**Analysis:** Does not apply.

**E.2** In the case of any land within the curtilage of the dwellinghouse which is within—

(a) an area of outstanding natural beauty;

(b) the Broads;

(c) a National Park; or

(d) a World Heritage Site,

development is not permitted by Class E if the total area of ground covered by buildings, enclosures, pools and containers situated more than 20 metres from any wall of the dwellinghouse would exceed10 square metres.

**Analysis:** None of the above.

**E.3** In the case of any land within the curtilage of the dwellinghouse which is article 2(3) land, development is not permitted by Class E if any part of the building, enclosure, pool or container would be situated on land between a wall forming a side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse.

**Analysis:** The site is not on article 2(3) land

**Interpretation of Class E**

**E.4** For the purposes of Class E, “purpose incidental to the enjoyment of the dwellinghouse as such” includes the keeping of poultry, bees, pet animals, birds or other livestock for the domestic needs or personal enjoyment of the occupants of the dwellinghouse.

**Recommendation**

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

Case Officer: Eve Hearsey Date: 09.12.2025

Authorised by: Peter Barnett Date: 9 December 2025