Expiry Date - 13/12/2024

Development Control – Delegated Officer Report

Application Number: AWDM/1332/24 Recommendation – APPROVE

Site: 154 Tarring Road Worthing West Sussex BN11 4HA

Proposal: Application for Certificate of Lawfulness for proposed small HMO for no more than 6 persons. Hip to gable roof extension, rear dormer and front rooflights

Date of site visit: 15/02/23

Neighbours consulted: NA

Additional neighbour notifications: N

Site and Surroundings
The site is located to the northern side of Tarring Road. To the rear of the site is the railway line. The property comprises of an end of terrace, two storey property a bay window to the front at first and second floors. The site has had the front garden converted to off road parking. Access to the rear of the site is available from the side of the property. The property built with a rear protrusion into the rear garden that is a common feature along the road.

Proposal
A Lawful Development Certificate for existing use is sought following full refurbishment and interior remodelling of a 4-bedroom dwellinghouse (Class C3) into 6 bedroom house in multiple occupation (HMO) (Class C4) for a maximum of 6 people.

Changes have been made to the internal layout of the first floor to provide two ensuites to the bedrooms to the front. The ground floor seeks a similar alteration to introduce en suites to both ground floor bedrooms to the front of the site.

The application also seeks to introduce a hipped to gable roof extension to facilitate a rear box dormer introducing a room in the roof. Part of these works are for the introduction of two roof lights in the front pitch of the roof.

Relevant Planning History:
AWDM/1100/24 - Application for Certificate of Lawfulness for proposed hip to gable roof extension, rear dormer and front rooflights– Approved 03/10/2024

99/01006/FULL - Erection of a single storey extension– Approved

Consultations:
None

Representations:

None

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).

Schedule 2, Part 3 - Changes of Use

Class L – small HMOs to dwellinghouses and vice versa

Permitted development

L. Development consisting of a change of use of a building—

(a) from a use falling within Class C4 (houses in multiple occupation) of the Schedule to the Use Classes Order, to a use falling within Class C3 (dwellinghouses) of that Schedule;

(b) from a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order, to a use falling within Class C4 (houses in multiple occupation) of that Schedule.

Development not permitted

L.1 Development is not permitted by Class L if it would result in the use—

(a) as two or more separate dwellinghouses falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order of any building previously used as a single dwellinghouse falling within Class C4 (houses in multiple occupation) of that Schedule; or

(b) as two or more separate dwellinghouses falling within Class C4 (houses in multiple occupation) of that Schedule of any building previously used as a single dwellinghouse falling within Class C3 (dwellinghouses) of that Schedule.

Analysis: The proposed alteration would not result in a development that would split the unit into two or more dwellinghouses.

Use Class C4 (houses in multiple occupation) relates to small shared houses occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom.

Analysis: The proposed layout shows six bedrooms all with ensuite facilities. Also 1no. store together with an open plan ground floor kitchen and dining facilities.

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) The dwellinghouse has been granted only by virtue of Class M, 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 height of the enlargement does not exceed the height of 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 dwelling house 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 does not exceed 50 cubic metres.

(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 not consist of any 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).

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 plans.

(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: There are no new windows inserted on a wall or roof slope forming a side elevation.

Class C – Alterations to the roof of a dwelling house

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

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

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 rooflight(s) would not project more than 150mm beyond the plane of the roofslope.

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

Analysis: The rooflight(s) 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 does not include any elements outlined above.

(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: There are no new windows inserted on a wall or roof slope forming a side elevation.

Conclusion

The application has been considered under Class L (b) for change of use of a building from a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order, to a use falling within Class C4 (houses in multiple occupation) of that Schedule and would not result in the use of the property as L.1 (b) two or more separate dwellinghouses falling within Class C4 (houses in multiple occupation) of that Schedule of any building previously used as a single dwellinghouse falling within Class C3 (dwellinghouses) of that Schedule. The roof extensions are considered compliant with Schedule 2, Part 1 Classes B and C.

Recommendation

Issue a Certificate of Lawfulness for Proposed Development, the submission of a planning application for the change of use and roof extensions will not be required.

Expiry Date - 13/12/2024

Reason for Recommendation

The proposal constitutes 'development' as defined by Section 55 of the Town and Country Planning Act 1990 but is permitted by Classes B and C of Part 1 and Class L of Part 3 Schedule 2 of Town and Country Planning (General Permitted Development) (England) Order 2015.

Case Officer:	Finlay Gardner	Date: 10/12/2024
Authorised by:	Louise Prew	Date: 11/12/2024