Development Management - Delegated Officer Report

Application Number: AWDM/0459/25 Recommendation – APPROVE

Site: 16 Bushby Close, Sompting, BN15 9JW

Proposal: Application for Lawful Development Certificate for a proposed single storey rear extension in relation to Prior Approval AWDM/0104/25.

Date of site visit: N/A 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 16 Bushby Close is located on the east side of the road, and is a two storey hipped roof semi-detached dwelling with a rear conservatory. There are several outbuildings within the rear garden. The front amenity area has been hardsurfaced for parking.

The property is not Listed Building, nor is it within a Conservation Area.

Relevant History:

AWDM/0104/25 Householder application for permitted development for Prior Approval for single storey extension to rear of property measuring 4m from rear wall of the original dwelling, maximum height 3m and height of eaves of the extension 3m. **Prior Approval Not Required 28.02.2025**

Proposal:

A Certificate of Lawfulness is sought for:-

- Single storey rear extension, with a flat roof and 1no. rooflight within the roof;
- The rear extension is 4m in depth x 6.3m wide x some 3m high;
- Full glazed French doors plus a window will be to the rear elevation.

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 together with other buildings etc., do 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 proposed single storey rear extension would have a flat roof and will be lower than the highest part of the existing two storey dwellinghouse.

(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 eaves of the proposed single storey rear extension would not exceed the eaves of the existing two storey dwelling.

(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: The rear extension does not extend beyond a wall which is the principal elevation of the original dwellinghouse or fronts a highway.

(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 dwelling is semi-detached and the single storey rear extension does extend further than the 3m allowance, beyond the rear wall of the original dwelling. However, see (g) below.

The rear extension measures approx. 3m in height, which is under the 4m allowed.

(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 dwelling is semi-detached and the single storey rear extension is 4m deep thereby within the 6m limit, it is not on article 2(3) land nor is it on a site of special scientific interest. The height of the extension does not exceed 4m. (see conditions below). Under A4 of Schedule 2, Part 1, before beginning the development the developer must provide the following information to the local planning authority—

(a)a written description of the proposed development including—

(i)how far the enlarged part of the dwellinghouse extends beyond the rear wall of the original dwellinghouse;

(ii)the maximum height of the enlarged part of the dwellinghouse; and

(iii)the height of the eaves of the enlarged part of the dwellinghouse;

(iv)where the enlarged part will be joined to an existing enlargement of the dwellinghouse, the information in sub-paragraphs (i) to (iii) must be provided in respect of the total enlargement (being the enlarged part together with the existing enlargement to which it will be joined);]

(b)a plan indicating the site and showing the proposed development [F13and any existing enlargement of the original dwellinghouse to which the enlarged part will be joined];

(c)the addresses of any adjoining premises;

(d)the developer's contact address; and

(e)the developer's email address if the developer is content to receive communications electronically,

together with any fee required to be paid.

This was done under application AWDM/0104/25 where it was determined that prior approval was not required.

(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 only.

(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 rear extension would be within 2m of the side boundary, but the height of the eaves would not exceed 3m

(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: The extension is to the rear and not to the side, therefore the above does not 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: It does not exceed the limits as set out above

(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 plans are notated to state that materials will match existing dwelling.

(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 single storey only

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

Summary: The 4m deep extension is not permitted development under (g) above, but under (f). The conditions of the legislation state:-

A.4 – (1) The following conditions apply to development permitted by Class A which exceeds the limits in paragraph A.1 (f) but is allowed by paragraph A.1 (g).

(2) Before beginning the development the developer must provide the following information to the LPA – (the explanation in the legislation details the requirements needed which relate to the submission of an application for a Prior Approval of the proposed works).

Suffice it to say that the applicant did apply for Prior Approval before the submission of the LDC and the decision of the application was that Prior Approval is Not Required.

Therefore the proposal is lawful by virtue of Class A because Prior Approval for a larger home extension has been obtained, and thereby is permitted under Conditions outlined in A4

Recommendation

Issue a Certificate of Lawfulness as the proposal is lawful under Class A, within Schedule 2, Part 1, of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.

Reason for Recommendation

The proposal constitutes 'development' as defined by Section 55 of the Town and Country Planning Act 1990, and is lawful by virtue of Condition A4 of Schedule 2, Part 1, Class A of Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, with prior approval deemed to be not required under application reference AWDM/0104/25 on 28 February 2025

Case Officer: Eve Hearsey Date: 30.05.2025

Authorised by: Peter Barnett Date: 30 May 2025