Development Management - Delegated Officer Report

Application Number: AWDM/0457/24 Recommendation – REFUSE

Site: 9 Park Lane Southwick West Sussex BN42 4DL

Proposal: Householder application for Permitted Development for prior approval for a single storey extension to the rear of property, measuring 4.90m from rear wall of the original house, maximum height 3.37m and height of eaves of the extension 3m

Neighbours checked: Y

Additional neighbour notifications: N

Proposal, Site and Surroundings

The proposal seeks prior approval for a single storey rear extension. The proposed extension is considered against the Town and Country Planning (General Permitted Development) (England) order 2015. The site is a semi-detached two storey dwelling on the south side of Park Lane, Southwick. The property is built in brick with painted render at first floor level.

The site is not within a Conservation Area and the building is not Listed

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

Consideration

As existing there is a lean to projection and conservatory extension which would be demolished to make way for the proposed extension. The Planning Authority considers that the lean to projection is original to the property. Google Maps images shows Nos. 9, 7 and 5 all have conservatories where the protrusions are and this is also shown on historic maps from 1960's mapping. Therefore the proposed extension would not be built from the original rear wall of the property but would extend from the side wall of the original house and would be greater than half the width of the original house and would therefore not constitute permitted development. Therefore prior approval could not be granted in this case, and full planning permission is required for the proposed extension.

Legal advice has been sought by officers with regards to this application to support this view. The advice is : -

"*The Government's technical guidance informs that: A wall forming a side elevation of a house will be any wall that cannot be identified as being a front wall or a rear wall.*

So, the side of the conservatory would be a side elevation of the original dwellinghouse if it was part of the original dwellinghouse, or part of it as it stood on 1 July 1948 if it was built before then. According to the plans submitted, the proposed extension extends beyond the existing conservatory and covers the entire width of the rear of the property, which is clearly greater than half the width of the original dwellinghouse and as such you should refuse the application.

Even if the protrusion did not form part of the original dwellinghouse (so that it looked like No.11 on the 1960s map), this extension would be going beyond the wall of the side elevation of the original dwellinghouse as the definition from the technical guidance demonstrates you would just look at the side wall that runs normally along the house. That means you would still need to refuse the application because they want to extend beyond that side elevation and because of the width of the extension being proposed."

In this case there was a projection there previously and it has been altered subsequently so having regard to the legal advice received this application must be refused as being invalid.

Recommendation

REFUSE
The proposed extension would extend from the original side wall of the dwelling house and would be greater than half the width of the original dwelling house and therefore does not constitute permitted development under Schedule 2, Part 1, Class A of the General Permitted Development Order 2015, as amended.

Case Officer: Elaine Rousseau Date: 21st May 2024

Authorised by: Peter Barnett Date: 21 May 2024