Expiry Date - 29/01/2020

Development Control – Delegated Officer Report

Application Number: AWDM/1891/19 Recommendation – APPROVE

Site: 4 Spinnals Grove Southwick Brighton West Sussex

Proposal: Application for Certificate of Lawfulness for proposed new window to ground floor on North side elevation

Site visit: N

Proposal, Site and Surroundings

The applicant has proposed the installation of a window to the north elevation at ground floor level, on a detached dwelling in the ward of Southwick Green. The site lies within the Kinston Buci Conservation Area and is not affecting the setting of a Listed Building. There are no Tree Protection Orders in effect on or surrounding the site that would be affected by the proposal.

A rear single storey extension was permitted in 2019 under reference AWDM/1799/18 however this would not affect nor be affected by the proposed works.

The application approved in 2019 (AWDM/1799/18) does contain a restrictive condition regarding windows to the side of the extension; however this does not apply to the remainder of the north elevation and therefore would not affect the proposed works. The original permission (reference: SW/76/86) contained two restrictive condition however neither would affect the proposed development.

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

Schedule 2, Part 1, Development within the curtilage of a dwellinghouse
Permitted Development

Class A – Enlargement, improvement or other alteration of a dwellinghouse

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 M, N, P, PA or Q of Part 3 of the Schedule (changes of use);

Analysis: *The dwellinghouse has not been created through change of use by virtue of Part 3.*

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: *This criterion is not relevant to the proposed development as the percentage of building cover would not be affected as a result of the proposed works.*

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 development is to the ground floor elevation and would not result in the peak of the existing roof being exceeded*

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 proposed development is to the ground floor elevation and would not result in the height of the existing eaves being exceeded*

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 proposed development is to the side elevation, however as it would not front a highway it would therefore be in line with these criteria.*

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 4m in the case of a detached dwellinghouse, or 3m in the case of any other dwellinghouse, or
ii) exceed 4m in height;

Analysis: *This criteria is not relevant to the proposed development as it is a window to the ground floor side elevation.*

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 m in the case of a detached dwellinghouse, or 6m in the case of any other dwellinghouse, or
ii) exceed 4m in height;

Analysis: *This criteria is not relevant to the proposed development as it is a window to the ground floor side elevation.*

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 3m, or
ii) be within 7 m of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse;

Analysis: *This criteria is not relevant to the proposed development as it is a window to the ground floor side elevation.*

i) the enlarged part of the dwellinghouse would be within 2m of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3m;

Analysis: *This criteria is not relevant to the proposed development as it is a window to the ground floor side elevation.*

j) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would-
i) exceed 4m in height;
ii) have more than a single storey; or
iii) have a width greater than half the width of the original dwellinghouse; or
(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: *This criteria is not relevant to the proposed development as it is a window to the ground floor side elevation.*

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: *This criterion is not relevant to the proposed development as it is a window to the ground floor side elevation.*

A.2 In the case of a dwellinghouse on article 2(3) land:-

a) it would consist of cladding of any part of the exterior of the dwelling house with stone, artificial stone, pebble dash, render, plastic or tiles.
b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse;
c) the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwelling house.
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: *This criteria is not relevant to the proposed development as it is a window to the ground floor side elevation.*

A.3 Development is permitted subject to:-

a) materials must be of a similar appearance to those used in the construction of the exterior of the existing dwelling;
b) any upper-floor windows located in a wall or roof slope forming a side elevation must be:-
    i) obscured-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.
c) Where the enlarged part of the dwelling house has more than one storey or forms an upper storey on an existing enlargement of the original dwelling

house the roof pitch of the enlarged part must so far as practicable be the same as the roof pitch of the original dwellinghouse.

Analysis: *The proposed window has been confirmed by email, dated 04/12/2019, to be matching in material and design. The window is to the ground floor and therefore would be in line with the remaining criteria.*

Recommendation

Issue a Certificate of Lawfulness for Proposed Development, the submission of a planning application for the works will not be required.

Reasons for Recommendation

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

Case Officer: *Benjamin Marshall* Date: 02nd December 2019

Authorised by: Gary Peck Date: 24 December 2019