

Development Management – Delegated Officer Report

Application Number: AWDM/0695/26

Recommendation – APPROVE

Site: 7 Southsea Avenue Worthing West Sussex BN12 4BN

Proposal: Application for Certificate of Lawfulness for proposed loft conversion with a dormer to the south, hip-to-gable extension to the rear, 2 north-facing rooflights, and 1 front-facing rooflight.

Site visit: N

Proposal, Site and Surroundings

The proposal seeks confirmation, within an application for a Lawful Development Certificate for a proposed use or development, that the proposed loft conversion with a dormer to the south, hip-to-gable extension to the rear, 2 north-facing rooflights, and 1 front-facing rooflight, is permitted development as defined within the Town and County Planning (General Permitted Development) (England) Order 2015.

The site is located within a residential area largely consisting of bungalows. The site itself, 7 Southsea Avenue, is a link-attached bungalow containing a pitched roof.

The property is not a listed building or in a conservation area, nor does it have any protected trees on site.

It should be noted that planning permission (AWDM/0354/26) for a proposed single-storey rear extension was granted on 13 May 2026 and that construction had commenced prior to the submission of this application. Given that the proposed roof enlargement would connect to the approved single-storey rear extension, legal advice was sought as to whether the proposed development would be lawful. A summary of the legal advice is set out later in this report.

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 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 does not include any elements in i) or ii) 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.

(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: The drawings confirm that all side windows and rooflights are to be fixed shut up to a height of 1.7m above floor level and to include obscure glazing.

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 rooflights 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 rooflights 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 in i) or ii).

(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: The drawings confirm that all side windows and rooflights are to be fixed shut up to a height of 1.7m above floor level and to include obscure glazing.

Legal Advice

Due to uncertainty over the interaction between the proposed roof enlargement and the single-storey rear extension, legal advice was sought on whether the proposal would be precluded from permitted development where both elements formed part of the same building operation.

The legal advice received confirmed that, under section 192(2) of the Town and Country Planning Act 1990, the relevant test is whether the proposed operations would have been lawful if begun at the date the application was made (5 June 2026). The assessment is based on the proposal described in the application and determined on the balance of probabilities.

The advice concluded that the application relates solely to the proposed loft conversion and should be assessed against Schedule 2, Part 1, Class B of the GPDO 2015. Subject to compliance with the relevant limitations and conditions, particularly those within Class B.2, the proposal would constitute permitted development. It was further advised that the proposal would not breach any condition attached to an implemented planning permission and that the ongoing construction of the approved rear extension did not alter this assessment. Accordingly, the legal opinion was that the proposed development would have been lawful at the date of the application and that a Certificate of Lawfulness should therefore be granted.

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 B and C of Part 1 Schedule 2 of Town and Country Planning (General Permitted Development) (England) Order 2015.

Case Officer: Tom Westerman

Date: 02/07/2026

Authorised by: Jo Morin

Date: 02.07.2026