Development Management - Delegated Officer Report

Application Number: AWDM/1431/22 Recommendation – Approve

Site: 9 Chester Avenue, Lancing, BN15 8PU

Proposal: Application for Certificate of Lawfulness for proposed alterations to ground floor windows

Date of site visit: 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:

The site is located on the west side of Chester Avenue and is a two storey end of terrace dwelling with a flat roof garage positioned to the front of the dwelling. The frontage of the terrace is all hardsurfaced.

The other dwellings in the terrace of four have rear conservatories

The property is not a Listed Building or in a Conservation Area.

Proposal:

A Certificate of Lawfulness is sought to change the existing rear ground floor window and full glazed door to a set of bifolding full glazed doors.

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, Permitted development rights, 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 M, 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: There is no extension proposed

(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: There is no extension proposed and the proposed bifolding doors are to be positioned below the roof line

(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 is no proposed change to the eaves height

(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 change from a door and a window to a set of bifolding doors, will not form an enlargement to the dwellinghouse

(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: There is no proposed extension to the dwellinghouse and (g) does not apply

(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: Does not apply

(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 no extension proposed

(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: Does not apply as no extension proposed

(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; or

Analysis: Does not apply as no extension proposed

(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: Does not apply as no extension proposed

(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; or
(l) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).

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;

Analysis: None of the above

(b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or

Analysis: Does not apply as no extension proposed

(c) the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse.

Analysis: Does not apply as no extension proposed

(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: Does not apply as no extension proposed

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 applicant has submitted emails to confirm that materials used for the making good of the dwelling will match the existing dwelling, and also that the frames of the bifolding doors will be similar/match to other frames within the 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: There is no proposed upper floor window

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

Recommendation

Issue a Certificate of Lawfulness as the proposal falls within Class A permitted development.

Reason for Recommendation

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

Case Officer: Eve Hearsey Date: 03.11.2022

Authorised by: Peter Barnett Date: 3 November 2022