Expiry Date - 07/07/2025

Development Control – Delegated Officer Report

Application Number: AWDM/0598/25 Recommendation – Approve

Site: Hampton Court Brighton Road Worthing West Sussex

Proposal: Application for certificate of lawfulness for refurbishment of building facade render and cladding as a result of fire safety works

Site visit: Y, 17 June 2025

Proposal

The development proposes removal of the render and cladding and replacing with new fire rated materials. The elevations define the scope of works as follows:

This would include full removal of the existing EPS-insulated render system, and the underlying brickwork to enable removing the loose fill EPS insulation behind it, as well as the cladding panels installed over the staircase. The new façade(s) system should be replaced with a system that comprises materials that achieve a fire rating European Classification A2-s1, d0 (i.e. of limited combustibility) or Class A1 (non-combustible). The cement fibre board cladding, shall also be replaced with a system that achieve a fire rating European Classification A2-s1, d0 (i.e. of limited combustibility) or Class A1 (non-combustible). This design shall be made during the PCSA stage of the Design and Build procurement route.

No works are proposed to the external balconies.

Site and Surroundings

The site is located on the northern side of Brighton Road. It contains a six-storey detached block of flats. The building is largely rendered with a setback tiled mansard roof. The cladding is limited to the northern elevation around the staircase. It is green in colour.

The northern side of the Brighton Road is predominantly residential with commercial uses to the south.

Planning Assessment

Principle

It is noted that the application form incorrectly refers to Part 1, Schedule 2 of the General Permitted Development Order 2015 which applies to

dwellinghouses only. In this case it is considered that the more relevant test is whether the proposed works amount to development.

In assessing a certificate of lawfulness of a proposed development the onus is on the applicant to demonstrate that, on the balance of probabilities, the development would not amount to development.

The definition of development is contained within section 55 of the Town and Country Planning Act 1990 (as amended).

Section 55 (1) defines development as: ‘The carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.’

Section 55 (1A) clarifies this by stating that development includes the demolition of buildings, rebuilding, structural alterations to buildings and other operations normally undertaken by a person carrying on business as a builder.

Officers consider that the proposed works would represent ‘other operations normally undertaken by a person carrying on business as a builder’

However, Section 55 (2) clarifies this matter in the following way:

The following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land—
(a) the carrying out for the maintenance, improvement or other alteration of any building of works which—
(i) affect only the interior of the building, or
(ii) do not materially affect the external appearance of the building

It is therefore necessary to consider whether the change in materials would be considered to materially affect the external appearance of the building.

In this case the applicants have stated, in the submitted drawings, the proposed external render / cladding works will be undertaken on a like-for-like basis, replicating the existing material, finish, and appearance.

The proposed replacement render would be of a similar style and colour and is considered to not materially affect the appearance. More information was sought on the colour of the proposed cladding. The applicant provided technical specifications for a Hardie panel in soft green. This would have a similar appearance and would not materially affect the external appearance of the building.

It is considered that, on the balance of probabilities, the proposal does not represent development within the meaning of the Town and Country Planning Act 1990 (as amended)

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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 does not constitute 'development' as defined by Section 55 of the Town and Country Planning Act 1990; the submission of a planning application would not be required.

Case Officer: Louise Prew Date: 26/09/2025

Authorised by: Jo Morin Date: 26.09.2025