Development Management - Delegated Officer Report

Application Number: AWDM/0386/22 Recommendation – APPROVED

Site: 37 Rectory Road, Shoreham-by-Sea, BN43 6EB

Proposal: Application for a Certificate of Lawfulness for proposed single storey rear extension

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 situated on the south side of Rectory Road in Shoreham, and is an end of terrace (4no.), two storey dwelling, with existing rooflights on the front (north) roofslope; a wide, flat roof rear dormer on the south elevation; and a conservatory type extension on the ground floor of the rear elevation. The front of the property appears to be open plan, and the front garden of no. 37 extends to the front of the neighbouring garage block also. The rear garden is quite small, as too are the rear gardens of the neighbouring properties within the terrace of 4no.

There is an existing vehicular access road to the rear of the terrace, which leads to a garage compound behind no.'s 31 to 35; and there is an additional block of 3no. garages abutting the side boundary of the application site, the former garage directly abutting no. 37 relates to no. 37, and is now used as storage.

All the 3no. adjoining terrace dwellings have rear extensions and no. 31 also has a rear dormer.

The site is close to the Shoreham Kingston Buci Conservation Area, which is behind the garages and garage compound to the south, but the site is not within it. Nor is it a Listed Building.

Proposal:

A Certificate of Lawfulness is sought for proposed single storey flat roof rear extension.

The extension will replace an existing conservatory extension, and is shown to measure some 5.95m wide x 2.772m deep. The height is shown to be 2.98m.

The plans are notated to show that the materials will match the existing.

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, 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: The extension does not exceed 50% of the total area of the curtilage etc.

(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 extension would be a single storey rear extension, and the house is a two storey dwelling, therefore the extension will not exceed the height of the highest part of the roof of the existing dwellinghouse.

(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 extension would be a single storey rear extension, and the house is a two storey dwelling, therefore the eaves of the extension will not exceed the eaves of the existing dwellinghouse.

(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 rear extension does not extend beyond a wall which is the principal elevation of the original dwellinghouse or fronts a highway and forms a side elevation etc.

(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: The extension is to the rear of the dwelling, but it will only by 2.772m in depth, thereby less than the 3m stated under (i) and will only be 2.98m in height, thereby less than the 4m in (ii)

(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 single storey

(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: The side extension would be within 2m of the boundary but the height of the eaves would not exceed 3m

(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: It does not extend beyond a wall forming a side elevation as it is at the rear

(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: It does not exceed the limits as set out above

(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: 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;

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

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

(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: The site is not on article 2(3) land

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 plans are notated stating that the facing brickwork and mortar will match the existing;

(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: Does not apply as single storey only

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 is permitted development under Class A, within Schedule 2, Part 1, of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.

Reason for Recommendation

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

Case Officer: Eve Hearsey Date: 18.05.2022

Authorised by: Peter Barnett Date: 18 May 2022