Expiry Date - 09/10/2020

Development Control – Delegated Officer Report

Application Number: AWDM/1112/20 Recommendation – APPROVE

Site: 19 Hawkins Crescent Shoreham-By-Sea West Sussex BN43 6TN

Proposal: Application for Certificate of Lawfulness for proposed rear extension (existing porch removed) and replacement pitched roof detached garage

Site visit: N

Proposal, Site and Surroundings

The applicant has proposed; the demolition of existing porch and garage and construction of single-storey extension to the north elevation and replacement garage to north of site, on a semi-detached dwelling in the ward of Hillside. The site does not lie within a Conservation Area nor is it 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.

It is noted that there are no relevant planning permissions which would affect or be affected by the proposed

It is noted that there are no previous planning decisions with conditions restricting development or removing permitted development rights of the property

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

<u>Class A – Enlargement, improvement or other alteration of a dwellinghouse</u>

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: *Although an exact area percentage has not been ascertained, using aerial views and the provided plans we can estimate that the proposed development (along with existing*

structures other than that of the original dwellinghouse) would not exceed 50% of the curtilage area.

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 would not exceed the ridge of the existing dwelling house roof and thus would be in keeping with the above criterion.*

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 would not exceed the height of the existing dwelling house's eaves and thus would be in keeping with the above criterion.*

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 rear elevation so the above criterion is not relevant.*

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: *The proposed development would be single storey, and according to the scaled drawing provided (Plan references: TC/6/A, dated 11/08/2020) would extend 2.6 metres from the rear wall and be a maximum of 3.270 metres in height.*

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: *The proposed development would be single storey, and according to the scaled drawing provided (Plan references: TC/6/A, dated 11/08/2020) would extend 2.6 metres from the rear wall and be a maximum of 3.270 metres in height.*

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: *These criteria are not relevant to this application given the scope of the proposed development, as the enlargement is a single storey extension.*

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: *The west side of the proposed development is within 2 metres of the site boundary, however according to the scaled drawing provided (Plan references: TC/6/A, dated 11/08/2020) the eaves height proposed would not exceed the 3 metre constraint set by this criterion.*

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: *The proposed single-storey extension would not extend beyond the side wall of the original dwellinghouse and therefore this criterion is not relevant.*

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: *These criteria are not relevant to this application given the scope of the proposed development, as the enlargement is an extension which does not alter the existing roof.*

(l) 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.*

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: *These criteria are not relevant to this application given that the property is not situated on article 2(3) land.*

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 development would use materials matching to that on the existing property; the remainder of these criteria are not relevant to this application given the scope of the proposed development, as the elevation is a single storey extension. These details are confirmed within the applicant's letter dated 12/08/2020*

Class E – buildings etc. INCIDENTAL to the enjoyment of a dwellinghouse.

E.1 Development is not permitted by Class E 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) the total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);

Analysis: *Although an exact area percentage has not been ascertained, using aerial views and the provided plans we can estimate that the proposed development (along with existing structures other than that of the original dwellinghouse) would not exceed 50% of the curtilage area.*

c) any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse;

Analysis: *The proposed plans indicate that the proposed outbuilding would not be sited forward of the principal elevation and therefore the proposed would be in line with the above criterion.*

d) the building would have more than a single storey.

Analysis: *The proposed development is a single-storey and therefore this criterion is not relevant to the proposal*

e) the height of the building, enclosure or container would exceed
- i) 4 metres in the case of a building with a dual-pitched roof,
- ii) 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse, or
- iii) 3 metres in any other case;

Analysis: *The proposed plan (Drawing ref: TC/10) show the roof of the outbuilding to be single-pitched; sited within two metres of the boundary the outbuilding is shown to not exceed 2.5 metres in height from the highest adjacent land level.*

g) the building, enclosure, pool or container would be situated within the curtilage of a listed building

Analysis: *The property does not contain a listed building and therefore this criterion is not relevant to the proposed.*

h) it would include the construction or provision of a verandah, balcony or raised platform;

Analysis: *The proposed development would not include the above items and therefore this criterion is not relevant to the proposed development.*

i) it relates to a dwelling or a microwave antenna; or

Analysis: *The proposed development has been shown through the plans and supporting documents to not include the above, therefore is in keeping with the criterion.*

j) the capacity of the container would exceed 3,500 litres.

Analysis: *This criterion is irrelevant to the proposed development, as the works are an outbuilding for use as a summer house.*

E2 in the case of any land within the curtilage of the dwellinghouse which is within-

a) an area of outstanding natural beauty;
b) the Broads;
c) a National Park; or
d) a World Heritage Site

development is not permitted by Class E if the total area of ground covered by buildings, enclosures, pools and containers situated more than 20metres from any wall of the dwellinghouse would exceed 10 square metres.

Analysis: *The site aforementioned does not lie within any of the location designations stated above, therefore this criterion is not relevant the proposed development*

E3 In the case of any land within the curtilage of the dwellinghouse which is article 2(3) land, development is not permitted by Class E if any part of the building, enclosure, pool or container would be situated on land between a wall forming a side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse.

Analysis: *The site aforementioned does not lie within the location designations stated above, therefore this criterion is not relevant the proposed development*

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 and E of Part 1 Schedule 2 of Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.

Case Officer: *Benjamin Marshall* Date: 06th October 2020

Authorised by: Peter Barnett Date: 6 October 2020