Expiry Date - 29/11/2024

Development Control – Delegated Officer Report

Application Number: AWDM/1263/24 **Recommendation – APPROVE**

Site: **1 Silver Birch Drive Worthing West Sussex BN13 3PP**

Proposal: **Application for Certificate of Lawfulness for proposed single storey rear extension, loft conversion incorporating hip to gable roof extensions, rear dormer, front rooflight, side facing 2nd floor window and relocation of existing solar panels**

Site visit: 22/11/24

Site and Surroundings

The site is located on a corner plot, to the north of Silver Birch Drive and to the east of Yeoman Drive in a residential area of Worthing. The property comprises a detached two storey house with white painted brick work to the lower elevations, tile hanging above and a hipped tiled roof. The porch to the front of the building is to the south. There is a detached double garage set back in the site towards the rear of the plot. The boundaries to the site consist of low walls to the front and side and close board fence with trellis above to the length of the rear garden. There is a public footpath adjacent to the rear boundary of the site.

The site is not within a conservation area, is not a listed building and there are no protected trees on site.

Proposal

A lawful Development certificate is sought for a single storey rear extension, loft conversion with hip to gable roof extensions and rear dormer, a roof light to the front, second floor side window and relocation of the existing solar panels.

The proposed rear extension would measure 4m deep x 7.53m wide x 2.88m high with a flat roof.

The roof would be extended to form hip to gable extensions to the east and west side elevations of the building. The total volume for the hip to gable extensions is 33.86 cubic metres.

The rear dormer would measure 4.8m wide x 3m deep x 2.22m high with a flat roof and a volume of 15.98 cubic metres.

The front roof light would not project more than 0.15m from the plane of the roof on which it is installed.

The second floor window to the east side elevation would be obscure glazed and fixed shut below 1.7m from finished floor level.

The existing solar panels to the south and west elevations would be relocated to the south (front) roof slope.

All materials are to be of similar appearance to those used on the existing building. The total combined volume of roof extensions is 49.84 cubic metres.

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 A – Enlargement, improvement or other alteration of a dwellinghouse

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: The ground cover by extension(s) will not exceed 50% of the total area of curtilage.

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 height of the proposed extension does not exceed the height of the highest part of the roof 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 height of the eaves of the proposed rear extension does not exceed the eaves height of the existing dwelling.

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 rear extension does not extend beyond a wall which forms the principal elevation of the original dwelling house or fronts a highway and forms a side elevation of the original 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 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 property is detached and the proposed extension does not extend beyond the rear wall of the original dwellinghouse by more than 4m and does not exceed 4m 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 property is detached and the proposed extension does not extend beyond the rear wall of the original dwellinghouse by more than 8m and does not exceed 4m in height.

ah) 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 being enlarged which is opposite the rear wall of that dwellinghouse;

Analysis: The proposed extension will not be more than a single storey, therefore i) and ii) do not need to be considered.

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 east side of the proposed rear extension is within 2m of the boundary of the curtilage of the dwelling house but the height of the eaves of the enlarged part does 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 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 extension does extend beyond a wall forming a side elevation of the original dwelling house and therefore i), ii), and iii) do not need to be considered. The proposed extension does not join to another enlargement of the original dwellinghouse.

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 apply.

(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: The dwelling is not 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 extension would be finished in materials of similar appearance to those used in the existing building. There are no upper floor windows to this ground floor rear extension and therefore i) and ii) do not need to be considered. The enlargement is single storey and does not have an upper floor.

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 enlargements do 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 extensions do 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 enlargements 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 extensions would be finished in materials of similar appearance to those used in 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 dormer would be set up no less than 0.2m from the outside edge of the eaves. No part of the enlargements 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 window to the east side elevation at second floor would be obscure glazed and non-opening below 1.7m from the floor of the room in which the window is installed.

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 rooflight would not project more than 0.15m 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 rooflight 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 works do not consist of or include the installation, alteration or replacement of a chimney, flue or soil and vent pipe. The development does include the alteration of solar photovoltaics but this is permitted under Part 14, Class A of this Schedule.

(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 window to the east side elevation at second floor would be obscure glazed and non-opening below 1.7m from the floor of the room in which the window is installed.

Schedule 2, Part 14 - Renewable Energy

Class A – installation or alteration etc of solar equipment on domestic premises

Permitted Development

A. The installation, alteration or replacement of microgeneration solar PV or solar thermal equipment on –
(a) a dwellinghouse or a block of flats; or
(b) a building situated within the curtilage of a dwellinghouse or a block of flats.

A.1 Development is not permitted by Class A if-

(a) the solar PV or solar thermal equipment would protrude more than 0.2 metres beyond the plane of the wall or in the case of a pitched roof, the roof slope when measured from the perpendicular with the external surface of the wall or pitched roof slope;

Analysis: The solar PV or solar thermal equipment would not protrude more than 0.2m beyond the plane of the roofslope.

(b) in the case of solar PV or solar thermal equipment on a pitched roof, it would result in the highest part of the solar PV or solar thermal equipment being higher than the highest part of the roof (excluding any chimney);

Analysis: The solar PV or solar thermal equipment would not be higher than the highest part of the existing roof.

(ba) in the case of solar PV or solar thermal equipment on a flat roof, it would result in the highest part of the solar PV or solar thermal equipment being more than 0.6 metres higher than the highest part of the roof (excluding any chimney);

Analysis: N/A

(c) in the case of land within a conservation area or which is a World Heritage Site, the solar PV or solar thermal equipment would be installed on a wall which fronts a highway;

Analysis: N/A

(d) the solar PV or solar thermal equipment would be installed on a site designated as a scheduled monument; or

Analysis: N/A

(e) the solar PV or solar thermal equipment would be installed on a building within the curtilage of the dwellinghouse or block of flats if the dwellinghouse or block of flats is a listed building.

Analysis: N/A

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 Classes A, B and C of Part 1 and Class A of Part 14, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.

Case Officer: Amanda Haslett Date: 28/11/24

Authorised by: Jo Morin Date: 28.11.2024