Development Management - Delegated Officer Report

Application Number: AWDM/0412/23 Recommendation – APPROVED

Site: 8 Cromleigh Way, Southwick, BN42 4WG

Proposal: Application for a Certificate of Lawfulness for proposed replacement of existing conservatory with a rear brick built structure with solar panels on roof.
The fixing of photovoltaic panels to the roof of the new structure.
The fixing of external insulation to the walls, with render and brick finishes to match the existing.

Date of site visit: Assessment has also been carried out using the Applicants plan; Earthlight mapping; and Google 3D of the site

Neighbours checked: N/A

Additional neighbour notifications: N

Site and Surroundings:

The site is situated on the south east side of Cromleigh Way, Southwick, and is a semi-detached two storey dwellinghouse, of brick and render. The dwelling sits lower than the pavement at the front, and the rear amenity land is lower than the dwellinghouse. The dwelling has a rear conservatory and steps from the conservatory leading down to the lower rear garden area. A platform built from the rear amenity area supports the rear conservatory extension. As the dwelling is higher than the rear amenity area, it was constructed with a side platform and steps leading down to the rear garden.

The street scene is a mix of two storey and bungalows, many of which have extended to the rear and some also to the roof.

Also, many of the dwellings in the street sit lower than the pavement, and some have rear amenity areas which are lower than the dwelling too, and would appear to have similar platforms also.

The property is not Listed Building, nor is it within a Conservation Area.

Proposal:

A Certificate of Lawfulness is sought for proposed:-

- Single storey rear extension, which will replace the existing conservatory. It will have a mono-pitched roof, and the new extension will measure approx. 6m wide x 2.9m deep x 4.8m high (the eaves will be approx. 3.8m high;
- 6 no. photovoltaic panels fixed to new roof of rear extension;
- External render insulation boards to elevations of dwelling.

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 G, M, MA, 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 etc., 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 extension will not exceed the height of the highest part of the roof of the existing two storey 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 height of the eaves will not be higher than the eaves on 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 does not extend beyond the rear wall by more than 3m, and measured to the platform that was built with the original house, it measures approx. 2.9m and therefore 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 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 rear extension.

(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 rear 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: The rear extension would not extend beyond a wall forming a side elevation etc.

(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 proposal 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 submitted application form states that the materials will be similar in appearance to the existing house, and the insulated render panels will also match the existing house;

(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 rear extension 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

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.

Development not permitted

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 the roof slope when measured from the perpendicular with the external surface of the wall or roof slope;

Analysis: The photovoltaic panels are shown to be on the roof of the proposed extension, and measure to be less than 0.2 metres beyond the plane of the roof.

(b) 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 panels will be on the roof of the single storey rear extension and thereby will not be higher the roof of the dwelling.

(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: The land is not within a conservation area.

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

Analysis: The site is not designated as a scheduled monument,

(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: The dwelling is not a listed building.

Conditions

A.2 Development is permitted by Class A subject to the following conditions—

(a) solar PV or solar thermal equipment is, so far as practicable, sited so as to minimise its effect on the external appearance of the building;

Analysis: The panels are to be on the roof of the proposed rear extension, and thereby will not result in a negative impact on the external appearance of the dwelling.

(b) solar PV or solar thermal equipment is, so far as practicable, sited so as to minimise its effect on the amenity of the area; and

Analysis: The panels are sited on the roof of the rear extension which will minimize its effect on the amenity of the area.

(c) solar PV or solar thermal equipment is removed as soon as reasonably practicable when no longer needed.

Analysis: An informative will be added to the certificate to state:-

“The Applicant is advised that in order to comply with the provisions for ‘permitted development’ set out in the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) the photovoltaic panels will be required to be removed as soon as is reasonably practicable when no longer needed.”

Recommendation

Issue a Certificate of Lawfulness as the proposal is permitted development under Class A, within Schedule 2, Part 1; and Class A, within Schedule 2, Part 14 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, within Schedule 2, Part 1; and Class A, within Schedule 2, Part 14 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.

Case Officer: Eve Hearsey Date: 15.06.2023

Authorised by: Peter Barnett Date: 15 June 2023