Expiry Date - 25/10/2017

Development Control – Delegated Officer Report

Application Number: AWDM/1303/17 **Recommendation – REFUSE**

Site: **20 Sandown Road Southwick Brighton West Sussex**

Proposal: **Application for Certificate of Lawfulness for proposed single storey side extension to west elevation (single storey east side extension under AWDM/1738/16)**

Site visit: N

Proposal, Site and Surroundings

The proposal seeks confirmation, within an application for Lawful Development Certificate for a Proposed use or development, that the proposed works for single storey side extension to west is permitted development as defined within the Town and County Planning (General Permitted Development) (England) Order 2015.

The agent has subsequently confirmed that the applicant has purchased a strip of land from the neighbouring amenity land of the flats to the rear in order to facilitate the development.

Planning Assessment

The development is noted as a detached house.

There was a previous application for

AWDM/1738/16 - Application for Certificate of Lawfulness for proposed single storey side extension to east elevation and removal of ground floor front bay and infill under first floor bay

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

In this case not all of the development can take place within the curtilage of 20 Sandown Road. In order to build the proposed extension the applicant has purchased neighbouring land outside of their curtilage which forms amenity

land for flats at Meadway Court. As such, the proposal fails to be lawful as it does not constitute development within the curtilage of a dwellinghouse.

For completeness, this report will now assess the other criteria of Class A.

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 covered by all the previous extensions and that proposed 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 side extension does not exceed the highest part of the 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 side does 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 side extension to the (west) elevation and does not extend beyond a wall which either forms the principal elevation 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 side extension is single storey and does not extend beyond the rear wall more than 4m. The side extension does not exceed 4m in height.

g) until 30th May 2019, 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 side extension is single storey and does not extend beyond the rear wall more than 4m.

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: The proposed side 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 side extension is within 2m of the boundary of the curtilage of the dwellinghouse and the eaves do 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 side extension does extend beyond a wall forming a side elevation of the original dwelling but does not exceed 4m in height, it does not have more than a single storey or have a width greater than half the width of the original dwellinghouse and does not attach to any other enlargement.

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.

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 agent has noted on the drawings that all materials to match existing and roof lights not to project more than 150mm above the roof plane. The roof lights are not at first floor level so no not need to be obscured glazed.

Recommendation

Refuse Certificate of Lawfulness for Proposed Development,

Reasons for Recommendation

Expiry Date - 25/10/2017

The proposal constitutes ‘development’ as defined in Section 55 of the Town and Country Planning Act 1990, but is not permitted under the provisions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, because the land required to enable the proposed development to be carried out is not currently within the curtilage of a dwellinghouse

Case Officer:	Elaine Rousseau	Date: 23/10/2017
Authorised by:	Peter Barnett	Date: 24 October 2017