Expiry Date - 26/08/2020

Development Control – Delegated Officer Report

Application Number: AWDM/1004/20 Recommendation – APPROVE

Site: 5 Downsway, Southwick Brighton West Sussex

Proposal: Application for a Lawful Development Certificate for proposed single storey rear extension (existing conservatory removed)

Site visit: N

Proposal, Site and Surroundings

The applicant has proposed; the demolition of the existing conservatory and creation of a single-storey extension to the rear elevation, on a 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

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: *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 peak 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, and therefore the above criterion is not applicable*

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: 2629.1/03, dated 01/07/2020) would extend 3.488 meters from the rear wall and be a maximum of 2.6 meters in height, as the property is detached it would be in line with the above criterion.*

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: 2629.1/03, dated 01/07/2020) would extend 3.488 meters from the rear wall and be a maximum of 2.6 meters in height, as the property is detached it would be in line with the above criterion.*

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 south side of the proposed development is within 2 meters of the sites boundary, however according to the scaled drawing provided (Plan references: 2629.1/03, dated 01/07/2020) the eaves height proposed would not exceed the 3 meter 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 a wall forming a side elevation 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: *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.*

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 submitted application form.*

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

Case Officer: *Benjamin Marshall* Date: 24th August 2020

Authorised by: Gary Peck Date: 24 August 2020