Expiry Date - 16/04/2025

Development Control – Delegated Officer Report

Application Number: AWDM/0165/25 Recommendation – APPROVE

Site: 41 Ham Road Worthing West Sussex BN11 2QU

Proposal: Application for Certificate of Lawfulness for replacement windows and doors

Site visit: N

Proposal, Site and Surroundings
The application site is located on the western side of Ham Road and is mid terrace. To the rear the properties have rear protrusions which have windows to the side and rear.

The proposed development is for the replacement of one window on the first floor to the rear of the site and the windows and doors on the ground floor to the kitchen diner. The change will also mean the windows will change to bifold - doors and windows.

The materials will change from white upvc/wood to black or dark grey critall frames. This will provide a more modern look to the ground floor. The windows to the front of the site would not be changing.

The first floor window to the rear will change in style going from a mini bay to a flush window. With this change the proposal retains the same white colour.

Planning Assessment
Principle
The proposal will be viewed against section 55 of the Town and Country Planning Act (England) 1990.

Consideration
Meaning of "development" and "new development"

(1)Subject to the following provisions of this section, in this Act, except where the context otherwise requires, "development," means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.

(1A)For the purposes of this Act "building operations " includes—

(a) demolition of buildings;

(b) rebuilding;

(c) structural alterations of or additions to buildings; and

(d) other operations normally undertaken by a person carrying on business as a builder.

(2) The following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land—

(a) the carrying out for the maintenance, improvement or other alteration of any building of works which—

(i) affect only the interior of the building, or

(ii) do not materially affect the external appearance of the building,

and are not works for making good war damage or works begun after 5th December 1968 for the alteration of a building by providing additional space in it underground;

Analysis:

The assessment here is whether the proposed works to the rear windows would be considered development as per the wording of section 55 as set out above.

The proposed works alter the existing windows providing new materials, sizes and positions of windows. However, as the proposed changes are solely to the rear of the building and largely at ground floor it is considered that the proposals would not materially affect the external appearance of the building. It is considered that in this instance the proposals do not constitute ‘development’ as defined by section 55 of the Town and Country Planning Act.

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 does not constitute 'development' as defined by Section 55 of the Town and Country Planning Act 1990.

Case Officer: Finlay Gardner Date: 15/04/2025

Authorised by: Louise Prew Date: 16/04/2025