Development Management - Delegated Officer Report

Application Number: AWDM/0176/24 Recommendation – APPROVE

Site: 24 Hayley Road, Lancing, BN15 9HA

Proposal: Application for Lawful Development Certificate for a proposed Class L change of use from dwellinghouse C3 to House in Multiple Occupation C4

Date of site visit: N/A Assessment has also been assisted using the Applicants plan; Earthlight mapping; and Google 3D of the site

Neighbours checked: Y

Additional neighbour notifications: N

Site and Surroundings:

No. 24 Hayley Road is a two storey, end of terrace dwelling situated on the east side of the road. The area comprises predominantly two storey dwellings in terraced form, and many have single storey rear extensions. Some of which have been replaced with fuller extensions. Some of the dwellings have solar panels on their roofs.

The application site has recently gained a LDC for a rear extension and a rear dormer (AWDM/1337/23 refers).

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

Proposal:

The application for a certificate of lawful development relates to the proposed change of use of the single dwellinghouse into a small HMO under Schedule 2 Part 3 Class L of the General Permitted Development Order (2015) (As Amended).

Relevant Planning History:

AWDM/1337/23 Application for a Lawful Development Certificate for a proposed single storey rear extension and rooms in roof consisting of a rear dormer and front rooflights. **Issued 24.11.2023**

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 3, Changes of use

Class L – small HMOs to dwellinghouses and vice versa

Permitted development

L. Development consisting of a change of use of a building—

(a) from a use falling within Class C4 (houses in multiple occupation) of the Schedule to the Use Classes Order, to a use falling within Class C3 (dwellinghouses) of that Schedule;

(b) from a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order, to a use falling within Class C4 (houses in multiple occupation) of that Schedule.

Development not permitted

L.1 Development is not permitted by Class L if it would result in the use—

(a) as two or more separate dwellinghouses falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order of any building previously used as a single dwellinghouse falling within Class C4 (houses in multiple occupation) of that Schedule; or

(b) as two or more separate dwellinghouses falling within Class C4 (houses in multiple occupation) of that Schedule of any building previously used as a single dwellinghouse falling within Class C3 (dwellinghouses) of that Schedule.

Analysis: The proposed alteration would not result in a development that would split the unit into two or more dwellinghouses.

Use Class C4 (houses in multiple occupation) relates to small shared houses occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom.

Analysis: The proposed layout shows six bedrooms plus 2no. shared bathrooms, and 1no. shared w.c. (3no. w.c.'s in total). Also 1no. utility room together with an open plan ground floor kitchen, living and dining facilities.

Recommendation

Issue a Certificate of Lawfulness for Proposed Development, the submission of a planning application for the change of use will not be required. As shown by

Schedule 2 – Permitted development rights, Part 3 – Changes of Use, Class L – Small HMO's to dwellinghouses and vice versa.

Reason for Recommendation

The proposal constitutes 'development' as defined by Section 55 of the Town and Country Planning Act 1990, and is permitted by Schedule 2, Part 3, Class L of Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.

Case Officer:	Eve Hearsey	Date: 28.05.2024
Authorised by:	Peter Barnett	Date: 28 May 2024