Expiry Date - 10/10/2023

Development Control – Delegated Officer Report

Application Number: AWDM/1146/23 **Recommendation – APPROVE**

Site: **83 Manor Road Worthing West Sussex BN1 4SL**

Proposal: **Application for Lawful Development Certificate for proposed Replacement windows from timber to UPVC.**

Site visit: N

Proposal, Site and Surroundings

The application relates to a large semi-detached character property in use as a single dwelling house. The application site is located within the Heene Conservation Area.

The proposal seeks confirmation, within an application for Lawful Development Certificate for a proposed use or development that the proposed replacement of timber windows to UPVC is permitted development as defined within the Town and County Planning (General Permitted Development) (England) Order 2015.

Planning history

AWDM/0065/23- Replacement front conservatory from timber to UPVC frames to match existing. Refused 22/06/2023.

Planning Assessment

Principle

An Article 4 Direction has not been made and the property benefits from 'permitted development' rights.

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: The application does not result in an increase in the footprint of the dwelling.

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: N/A.

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: N/A

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: N/A

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: N/A

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: N/A

ah) 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 being enlarged which is opposite the rear wall of that dwellinghouse;

Analysis: N/A

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: N/A

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: N/A

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.

(l) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).

Analysis: The dwellinghouse has not been created by virtue of Part 20.

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 within the Heene Conservation Area but (a)-(d) do not apply..

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 key consideration is whether the proposed UPVC material to be used for the replacement windows would be similar in appearance to the existing timber windows.

The Government's Technical Guidance 'Permitted Development Rights for Householders' (2019) states that Condition A.3 is intended to ensure that any works to enlarge, alter or improve a house result in an appearance that minimises visual impact and is sympathetic to existing development. This means that the materials used should be of a similar visual appearance to those in the existing house, but does not mean they need to be the same materials. It goes on:-

It may be appropriate to replace existing windows with new uPVC double-glazed windows or include them in an extension even if there are no such windows in the existing house. What is important is that they give a similar visual appearance to those in the existing house, for example in terms of their overall shape, and the colour and size of the frames.

The Guidance suggests a need to examine not just the colour match of the materials used but the shape and size of the frames of the windows.

The application is supported by detailed drawings and sections of the existing and proposed windows. For the most part, the proposed UPVC 'Heritage' windows will mirror the opening style, design (with sash horns) and sub-divided proportions of the existing timber windows. There will be some differences in the frame thicknesses. For example the mid rail on the UPVC sash windows will be 55mm compared to 45mm as existing. And the combined depth of the bottom rail and outer frame will be 121mm compared

to 195mm as existing. However, the relevant test here is not that the replacements must exactly replicate the visual appearance of the existing windows, but that they should be ‘similar’. The proposed UPVC sash replacements in this case are a good quality heritage style window with a chamfered profile intended to minimise the visual impact of the heavier framing. The submitted section drawings also show that the proposed windows will be recessed into the window opening to minimise the amount of framework that will be visible externally. In the circumstances it is considered that the proposed replacements would be sufficiently similar in appearance to the existing windows that Condition A.3 will be met.

Recommendation

Issue a Certificate of Lawfulness for Proposed Development, the submission of a planning application for the works will be not required. This is due to the proposed UPVC replacement windows being similar in appearance to the existing timber windows. As such it is considered that the development is permitted by Class A of Part 1 Schedule 2 of the Town and Country Planning (General Permitted development)(England) Order 2015.

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

Case Officer: Finlay Gardner Date: 10/10/2023

Authorised by: Jo Morin Date: 11.10.2023