Expiry Date - 13/03/2024

Development Control – Delegated Officer Report

Application Number: AWDM/0072/24 **Recommendation – APPROVE**

Site: **12 Highdown Avenue Worthing West Sussex BN13 1PU**

Proposal: **Application for a Lawful Development Certificate for Proposed side dormer, 2no. chimneys removed**

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 side dormer, 2no. chimneys removed is permitted development as defined within the Town and County Planning (General Permitted Development) (England) Order 2015.

Planning Assessment

This property is noted as a detached house with no recent planning history.

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 1, Development within the curtilage of a dwellinghouse Permitted Development

Class B _ The enlargement of a dwellinghouse consisting of an addition or alteration to its roof

B.1 Development is not permitted by Class B if:-

a) The dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q.

Analysis: The dwellinghouse has not been created through change of use by virtue of Part 3.

b) The height of the roof extension would exceed the highest part of the existing roof;

Analysis: The height of the enlargement does not exceed the height of the highest part of the existing roof.

(c) the roof extension would extend beyond the plane of any existing roof slope which forms the principal elevation of the dwelling house and fronts a highway;

Analysis: the roof extension does not project beyond the plane of an existing roof slope which forms the principal elevation of the dwelling house and fronts a highway;

(d) the cubic content of the resulting roofspace would exceed the cubic content of the original roof by more than:-
i) 40 cubic metres in the case of a terrace house, or
ii) 50 cubic metres in any other case.

Analysis: The cubic content of the enlargement does not exceed 50 cubic metres.

(e) it would consist of or include:-
i) a verandah, balcony or raised platform or
ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe;

Analysis: The development does not include any elements in i) or ii) above.

(f) the dwellinghouse is not on article 2(3) land

Analysis: The dwelling house is not on article 2(3) land.

B.2 Development is permitted subject to:-

(a) the materials used in any exterior work must be of similar appearance to those used in the construction of the exterior of the existing house;

Analysis: materials match

(b) the enlargement must be constructed so that:-

i) other than in the case of a hip-to-gable enlargement which joins the original roof to the roof of a rear or side extension –
(aa) the eaves of the original roof are maintained or reinstated; and
(bb) the edge of the enlargement closest to the eaves of the original roof is so far as practicable not less than 0.2m from the eaves, measured along the roof slope from the outside edge of the eave, and
ii) other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension no part of the enlargement extends beyond the outside face of any external wall of the original dwelling house.

Analysis: Complies with the above.

c) any window inserted on a wall or roof slope forming a side elevation of the dwelling house must be:-
i) obscure 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.

Analysis: Complies

G. The installation, alteration or replacement of a chimney, flue or soil and vent pipe on a dwellinghouse.

Development not permitted

G.1 Development is not permitted by Class G if:-

a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class G, M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use);

Analysis: The dwellinghouse has not been created through change of use by virtue of Part 3.

b) The height of the chimney, flue or soil and vent pipe would exceed the highest part of the roof by 1 metre or more;

Analysis: The rear chimney will be removed and the alterations to the soil/vent pipe will be below the ridge height of the roof.

c) In the case of a dwellinghouse on article 2(3) land, the chimney, flue or soil and vent pipe would be installed on a wall or roofslope which –
i) Fronts a highway, and
ii) Forms either the principal elevation or a side elevation of the dwellinghouse

Analysis: The dwellinghouse is not on article 2(3) land

d) The dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses

Analysis: Removal only

Recommendation

Issue a Certificate of Lawfulness for Proposed Development, the submission of a planning application for the works will not be required.

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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 B and G of Part 1 Schedule 2 of Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.

Case Officer: Dawn Anthony-Unsted Date: 27th February 2024

Authorised by: Jo Morin Date: 28.02.2024