Expiry Date - 07/08/2023

# Development Control – Delegated Officer Report

**Application Number: AWDM/0925/23 Recommendation – Issue**

**Site: 186 Dominion Road Worthing West Sussex BN14 8JW**

**Proposal: Application for a Lawful Devleopment Certificate for Proposed Change of use from C3 Dwellinghouse to C4 Small House in Multiple Occupation. Proposed works include single storey rear extension which falls under permitted development.**

## Site and Surroundings

The property is a mid-terrace three-storey dwelling on the north eastern side of Dominion Road. The property is built in brick with rendered first floor, a tiled roof hosting roof lights and a large rear dormer. The property is not within a Conservation Area and the building is not Listed.

## 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). The application also includes a single storey rear extension to be completed under Schedule 2 Part 1 Class A of the General Permitted Development Order (2015) (As Amended).

## 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:** The ground cover by extension(s) will not exceed 50% of the total area of curtilage.

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 height of the proposed extension does not exceed the height of the highest part of the roof of the existing dwellinghouse.

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 height of the eaves of the proposed extension does not exceed the height of the eaves of the existing dwellinghouse.

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 extension is to the rear and therefore does not extend beyond a wall which forms the principal elevation or fronts a highway and forms a side elevation of the original dwellinghouse.

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 extension is single storey and does not extend beyond the rear wall of the original dwelling by more than 3m and does not exceed 3m in height.

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 extension is single storey and does not extend beyond the rear wall of the original dwelling by more than 3m and does not exceed 3m in height.

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

**Analysis:** The proposed extension will not be more than a single storey, therefore i) and ii) do not need to be considered.

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 proposed extension is within 2m of the boundary of the curtilage of the dwellignhouse and the height of the eaves does not exceed 3m.

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 extension does not extend beyond a wall forming a side elevation and therefore i) to iii) do not need to be considered. The proposed extension does not joined to any other extension.

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 not 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:** It is noted on the drawings the proposed rear extension will be finished with facing brickwork to match the existing dwelling. There are no new windows inserted at upper floor level although altered windows are proposed at ground floor level.

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 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.

**Analysis:** The dwellinghouse is currently in use as a dwellinghouse falling within Class C3.

L.1 Development is not permitted by Class L if it would result in the use -
(a) as two or more separate dwellings 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 show six bedrooms (inc. 1 bedroom with en-suite facilities) plus 2no shared shower rooms, kitchen and dining facilities.

**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 (As Amended) and Class L of Part 3 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended).

Case Officer: Finlay Gardner Date: 27/07/2023

Authorised by: Jo Morin Date: 27.07.2023