Expiry Date - 13/03/2024

Development Control – Delegated Officer Report

Application Number: AWDM/0071/24 Recommendation – APPROVE

Site: 33 Ellis Avenue Worthing West Sussex BN13 3DY

Proposal: Application for a Lawful Development Certificate for a Proposed Conversion of existing garage into habitable space to be used as ancillary to the main house

Site visit: N

Proposal, Site and Surroundings

The application relates to a detached two-storey single dwellinghouse which features a catslide roof to the front and an attached garage to the side (east), located to the northerly side of Ellis Avenue near where the road curves.

The proposal seeks confirmation, within an application for Lawful Development Certificate for a proposed use or development, that the proposed conversion of the existing garage into a habitable space to be used as ancillary to the main house is permitted development as defined within the Town and County Planning (General Permitted Development) (England) Order 2015.

Relevant Planning History:

Householder application for permitted development for prior approval for single storey extension to rear of property measuring 5.67m from rear wall of the original house, maximum height 3.15m and height of eaves of the extension 3m approved (Approval Required and Granted) under AWDM/1334/23, decision issued 02 Nov 2023.

The approved extension has only been included in the proposed drawings for this application for completeness and does not form a consideration.

There is no known restrictive condition at the property that prohibits the conversion of the garage.

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 dwelling house 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 propose any increase in the footprint of the property.

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 application does not propose any increase in the scale of the property. The only external alterations would be the replacement garage-style door inserted into the existing opening and the insertion of a side (east) window and roof light.

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: As per the analysis for (c).

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: As per the analysis for (c).

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: As per the analysis for (c).

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: As per the analysis for (c).

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: As per the analysis for (c).

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: As per the analysis for (c).

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: As per the analysis for (c).

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 dwelling house has not been created by virtue of Part 20.

A.2 In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if:-

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 dwellinghouse 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;

Analysis:

The Government's Technical Guidance 'Permitted Development Rights for Householders' (last updated 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.*

The proposed side window and roof light will closely reflect the style, design, and proportions of the existing fenestration of the house. The garage door will be replaced with a 'window in the style of a garage door' which will be inserted into the existing opening. The proposed exterior materials are considered to satisfy this criteria and the governments technical guidance as they will be of a 'similar visual appearance'.

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.

Analysis: The side window will be located to the ground-floor and the roof light will be located to the east side roof slope for the purposes of providing light to the converted garage. Therefore, this criteria does not apply.

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: Not applicable.

Other

The provision of additional amenities by virtue of the rear extension permitted under AWDM/1334/23 indicates that the garage conversion together with the rear extension is likely to be used as an annex for a dependant relative. In normal circumstances the Council would see fit to impose a condition to ensure the annex remains ancillary to the main dwelling, as the creation of an independent household would otherwise require panning permission. Notwithstanding, the Council are satisfied on the basis that the description for the proposal explicitly states that the existing garage will be converted 'into habitable space to be used as ancillary to the main house'.

Recommendation

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

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 the Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended).

Case Officer: Jason Albon Date: 12/03/2024

Authorised by: Jo Morin Date: 12.03.2024