Development Management - Delegated Officer Report

Application Number: AWDM/0153/24 Recommendation – APPROVE

Site: 59 Downsway, Southwick, BN42 4WE

Proposal: Application for Lawful Development Certificate for a proposed single storey side extension.

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. 59 Downsway is located on the west side of the road, and is a two storey semi-detached dwelling. The majority of the front amenity area has been paved for the parking of vehicles. The land is on rising ground meaning its neighbours to the south is on lower ground and those to the north are on higher ground.

There is a gap of approx. 1m between the side elevation of the dwelling and the mutual boundary to no. 57 to the south.

The main of the dwelling is rendered but a first floor section on the front elevation has been clad with cement fibre board.

There is a flat roof rear extension to the rear, and further hardstanding area behind the rear extension. The rear garden also contains several outbuildings

The street scene comprises predominantly two storey semi-detached dwellings.

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

Proposal:

A Certificate of Lawfulness is sought for:-

- A single storey side, flat roof extension between the south elevation of the dwelling and the mutual boundary to no. 57
- The highest height of the side extension next to the mutual boundary is shown as 3m at its front elevation (east), and 2.909m high at its rear elevation (west)
- The length of the proposal is approx. 7m
- The rear width will be approx. 1.4m
- The width at the front of the extension will be approx. 1.75m

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 1, Development within the curtilage of a dwellinghouse.

Class A – enlargement, improvement or other alteration of a dwellinghouse

Permitted Development

A.The enlargement, improvement or other alteration of a dwellinghouse.

Development not permitted

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 G, M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use);

Analysis: The above does not apply

(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 extension together with other buildings etc., do not exceed 50% of the total area of the curtilage etc.

(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 proposed extension would be a single storey side extension, with a flat roof. The extension will not exceed the height of the highest part of the roof of the existing two storey semi-detached dwelling.

(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 proposed flat roof side extension would be a single storey and the eaves will not exceed the eaves of the existing two storey semi-detached 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 side extension does not extend beyond a wall which is the principal elevation of the original dwellinghouse or fronts a highway and forms a side elevation etc.

(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 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or
(ii) exceed 4 metres in height;

Analysis: The single storey side extension is shown to be a maximum height of 3m and does not extend the rear wall of the original dwellinghouse.

(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 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or
(ii) exceed 4 metres in height;

Analysis: Does not apply

(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 3 metres, or
(ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse being enlarged which is opposite the rear wall of that dwellinghouse;

Analysis: Does not apply as single storey only.

(i) the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres;

Analysis: The side extension is within 2m of the boundary and the eaves will be lower than 3m. Thereby the above does not apply.

(j) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would—

(i) exceed 4 metres in height,
(ii) have more than a single storey, or
(iii) have a width greater than half the width of the original dwellinghouse;

Analysis: The side extension will extend to the side elevation of the original dwellinghouse but would not exceed 4m in height; it will be single storey only; and will not have a width greater than half the width of the original dwellinghouse.

(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: It will not be joined to the existing rear extension and does not exceed the limits as set out above.

(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

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 or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;

(b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or

(c) the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse.

(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 site is not on article 2(3) land

Conditions

A.3 Development is permitted by Class A subject to the following conditions—

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

Analysis: The agent has confirmed in a letter dated 05.02.2024 that the materials will match the existing dwelling i.e. rendered.

(b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be—

(i) obscure-glazed, and
(ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and

Analysis: Does not apply as single storey only

c) where the enlarged part of the dwellinghouse has more than a single storey, or forms an upper storey on an existing enlargement of the original dwellinghouse, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.

Analysis: None of the above applies

Recommendation

Issue a Certificate of Lawfulness as the proposal is permitted development under Class A, within Schedule 2, Part 1, of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.

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 1, Class A of Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.

Case Officer: Eve Hearsey Date: 12.03.2024

Authorised by: Peter Barnett Date: 12 March 2024