



Planning Statement

Lawful Development Certificate (proposed) for Erection of Single Storey
Side Residential Extension and Single Storey Porch

6 Hillcrest Close, Scaynes Hill, West Sussex, RH17 7PJ

March 2025

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Introduction

Dwell Architecture & Design Ltd. were instructed by Claudia Lyle and Brendan Graaf to submit a Lawful Development Certificate (proposed) for the erection of a single-storey side residential extension and a single-storey porch at 6 Hillcrest Close, Scaynes Hill. The property is a link detached residential bungalow dwelling, situated in the south-west of Scaynes Hill village. The house is located within the build-up boundary of Scaynes Hill, and borders neighbouring residential properties and woodland. The proposal includes the erection of a single-storey flat roof side extension, as well as the addition of a flat roof porch proposed at the front of the property. These works do not require planning permission and can be undertaken within the limitation of Section 55 of the Town & Country Planning Act.

The application should read in conjunction with the following plans and documents:

- Existing floor plans 1402 GA 01
- Existing elevations 1402 GA 02
- Existing site topo 1402 SI 01
- Proposed plans 1402 GA 10 A
- Proposed elevations 1402 GA 11 A
- Site block and location plan as proposed 1402 SI 02

Proposed Development

The extensions would project from the side (southern) and front (western) elevations of the property. The side extension has been designed to project from the side of the dwelling in response to the property boundary limitations and garden area, whilst also considering the impact on the elevation and character of the existing dwelling. The porch would project from the front elevation to facilitate the entrance to the dwelling.

The extensions proposed include the following:

Single Storey Side Extension – A single storey side extension to the south of the property

Porch Extension – A single storey porch extension to the west of the property

The single-storey side extension would be some 6.855m wide and 3.00m deep. The extension would have a flat roof which does not exceed 2.715m in height. The extension would include matching brickwork to match the existing.

The porch extension would be located at the front of the dwelling. The porch would measure 2.3m wide by 1.3m deep, it would be single-storey and have a flat roof. The external walls would have brickwork to match the existing wall finish. The roof would not exceed 2.715m in height.

The proposed new windows will be white uPVC double-glazed windows to match the existing. The new doors will also be white uPVC framed to match the existing. The extensions will utilise materials that are appropriate to the existing dwelling.



Town & Country Planning Act (1990) (amended)

The purpose of Section 192 of the Town & Country Planning Act (TCPA) allows any person to ascertain if a development falls within Permitted Development (PD) limits and is accordingly exempt from planning control. Sub section (1) makes it clear that in order to establish that a development is exempt from planning control, an application must be made to the Local Planning Authority (LPA) *"specifying the land and describing the operation in question."*

The remainder of the Section 192 sets out the following legislation:

(2) "If, on application under this section, the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect; and in any other case they shall refuse the application.

(3) A certificate under this section shall –

- A. Specify the land to which it relates;
- B. Describe the operation in question;
- C. Give reasons for determining the operation to be lawful; and
- D. Specify the date of the application for the certificate.

(4) The lawfulness of any use or operation for which the certificate is in force under this section shall be conclusively presumed unless there is a material change, before the use is instituted or the operations are begun, in any of the matters relevant to determining such lawfulness."

Further guidance on the interpretation of the legislation contained in the Communities and Local Government documents – Lawful Development Certificates, a Users Guide.

Paragraph 4 clarifies that:

"This system provides the possibility of obtaining a statutory document confirming that the use, operation or activity names in it is lawful for planning control purposes on the dates specified in the document. Once it is granted, the new type of certificate remains valid for the use or development describes in it, on the land it describes, provided there is no subsequent material change in the circumstances."

Paragraph 6 expands on this and states, "A certificate for an existing use, operation or activity will specify (by reference to a plan or drawing) the area of land included in the certificate and describe the precise nature of the use, operation or activity which is certified as lawful."

Paragraph 9 states, "You may apply for a certificate if you wish to find out whether any proposed development which would otherwise be 'permitted development' (by virtue of provisions in the General Permitted Development Order) requires the submission of a planning application."

Consideration of proposed works against allowances and limitations of GPDO 2015

- 4.1 The latest GPDO (amended) sets out in Class A and Class D of Part 1, permitted development allowances in respect of enlargement, improvement or other alteration of a dwellinghouse and porches. This is subject to a number of limitations, which are set out in A.1, a number of conditions, which are set out in A.3, as well as limitations which are set out in D.1. Paragraphs 4.4- 4.21 below refer to the proposed single-storey side extension, and paragraphs 4.22-4.27 refer to the proposed single-storey porch extension.



- 4.2 The proposed extensions have both been planned and designed to comply with the limitations of Class A and Class D. The extensions will all be considered against the relevant part of the legislations to demonstrate compliance.
- 4.3 Each are now considered in turn.

Single Storey Side Extension

- 4.4 A.1(a) Development is not permitted if permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (change of use);

The dwellinghouse known as 6, Hillcrest Close, is a lawful residential dwelling by virtue of a grant of planning permission. It was not authorised for residential use under Class M, N, P or Q of Part 3 of the GPDO.

- 4.5 A.1(b) The total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) must not exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);

The domestic extensions, together with other buildings within the curtilage of the dwellinghouse does not exceed 50% of the curtilage, as calculated by excluding the ground area of the original dwellinghouse. The site has a total area of 535m² with the original dwellinghouse having a footprint of 95m². The area of curtilage excluding the dwellinghouse footprint is 440m². The proposed footprint area for the extension and the porch totals 24m². It is calculated that 50% of the curtilage (excluding the ground area covered by the original dwellinghouse) would be 220m², therefore, the proposed area of the extensions are well below the threshold limit.

- 4.6 A.1 (c) The height of the part of the dwelling house enlarged, improved or altered must not exceed the height of the highest part of the roof of the existing dwellinghouse;

The height of the existing dwellinghouse extends to some 4.995m. The proposed single storey side extension has an overall height of some 2.715m which is well below the highest ridge height.

- 4.7 A.1(d) The height of the eaves of the part of the dwellinghouse enlarged, improved or altered must not exceed the height of the eaves of the original dwellinghouse;

The existing eaves of the dwellinghouse is 2.74m. The side extension has a proposed eaves height of 2.715m. The proposed eaves height is below the existing eaves height.

- 4.8 A.1(e) The enlarged part of the dwellinghouse must not extend beyond the 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;

The side extension does not extend beyond a wall which forms the principal elevation of the dwellinghouse. Please see paragraph 4.22 onwards for details regarding the porch compliance.



- 4.9 A.1(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:

The side extension does not extend beyond the rear wall of the original dwellinghouse.

- 4.10 A.1(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 8m in the case of a detached dwellinghouse, or 6m in the case of any other dwellinghouse, or (ii) exceed 4m in height.

The dwelling house is not located on Article 2(3) land nor an SSSI. Neither extension extend beyond the rear wall of the original house.

- 4.11 A.1(h) The enlarged part of the dwellinghouse must not 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 7m of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse;

The side extension is single storey and does not extend beyond the rear wall of the original dwellinghouse.

- 4.12 A.1(i) If the enlarged part of the dwellinghouse is within 2m of the boundary of the curtilage of the dwellinghouse, the height of the eaves of the enlarged part must not exceed 3m;

The enlarged parts of the dwellinghouse are over 2m from any boundary.

- 4.13 A.1(j) The enlarged part of the dwellinghouse must not extend beyond a wall forming a side elevation of the original dwellinghouse, and (i) exceed 4m in height, (ii) have more than a single storey, or (iii) have a greater than half the width of the original dwellinghouse;

The side extension which extends beyond the side wall is single storey and is 2.715m in height therefore does not exceed 4m in height. The width of the original dwellinghouse is 7.72m. The side extension has a width of 3.00m therefore it does not exceed more than half the width of the original dwellinghouse.



- 4.14 A.1(k) The scheme must not consist of or include (i) the construction or provision of a veranda, 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;

The scheme does not involve any works identified in (k) (i-iv).

- 4.15 Section A.2 relates to limitations to extend dwellinghouses that are on Article 2(3) land and is therefore not relevant to the determination of this scheme.
- 4.16 Section A.3 sets out a series of conditions which development must comply with. A.3(a) requires the material used in any exterior work to be of similar appearance to those used in the construction of the exterior of the original dwellinghouse; A.3(b) relates to upper floor windows; and A.3(c) relates to those enlarged parts of dwellinghouses which have more than a single storey.
- 4.17 In respect of the proposed scheme materials and Class A.3(a), it is confirmed the materials used in the exterior work will be of similar appearance to those used in the construction of the exterior of the existing dwellinghouse. These are detailed on the proposed plans.
- 4.18 In respect of the proposed scheme and Class A.3(b), it is confirmed the proposed extensions are single storey and there are no windows proposed above single storey level.
- 4.19 In respect of A.3(c), there are no elements of the proposal which exceed a single storey.
- 4.20 Schedule 2, Part 1, Class B sets out PD rights for additions to the roof of a dwellinghouse. There are no proposed alterations to the existing roof.
- 4.21 Schedule 2, Part 1, Class C sets out PD rights for alterations to the roof of a dwellinghouse. There are no proposed alterations to the existing roof.



Single Storey Porch Extension

4.22 Schedule 2, Part 1, Class D sets out PD rights for the addition of a porch.

4.23 D.1 (a) Development is not permitted by Class D if permission to use the dwellinghouse has been granted only by virtue of Class M, N, P, PA or A of Part 3 of this Schedule (change of use)

The dwellinghouse known as 6, Hillcrest Close, is a lawful residential dwelling by virtue of a grant of planning permission. It was not authorised for residential use under Class M, N, P or Q of Part 3 of the GPDO.

4.24 D.1 (b) the ground area (measured externally) of the structure would exceed 3 square metres

The proposed porch extension has an external depth of 1.30m and a width of 2.30m. The total external area of the proposed porch is 2.99m² therefore the area does not exceed 3m².

4.25 D.1 (c) any part of the structure would be more than 3 metres above ground level

The proposed height of the porch is 2.715m therefore does not exceed 3m in height above ground level.

4.26 D.1 (d) any part of the structure would be within 2 metres of any boundary of the curtilage of the dwellinghouse with a highway

The porch is not within 2 metres of the boundary.

4.27 The above assessment confirms that the proposed extensions to the original dwellinghouse would all comply with the requirements of the GPDO, schedule 2, Part 1, Class A and Class D.

Discussion

Section 192 of the Town and Country Planning Act 1990 enables any person, in order to ascertain whether any proposed use of land or buildings or operations to be carried out, in, on, over or under land, would be lawful, to make an application to the Local Planning Authority.

Section 192(2) states that if on receipt of such an application, the Local Planning Authority are provided with information satisfying them the use or operations described in the application would be lawful, instituted or begun at the time of the application, they should issue a certificate to that effect, and in any other case they shall refuse the application. It is clear from the above assessment that the proposal complies with the Schedule 2, Part 1, Class A.



Summary

This statement supports a Lawful Development Certificate application for proposed development, comprising one single storey side extension and one single storey porch extension at 6 Hillcrest Close, Scaynes Hill. The application is made under Section 192 of the Town and Country Planning Act 1990. The materials submitted with the application are of sufficient detail to enable the determination to be made as to the lawfulness of the proposed works.

These works are considered to be lawful having regard to the allowances of Class A and Class D, Part 1 of Schedule 2 of the Town and Country (General Permitted Development) Order 2015. These facilitate a range of works that comprise development that can be undertaken without the need for planning permission. It is respectfully submitted that confirmation of the lawfulness of these works is confirmed by the Local authority via the issuing of a Lawful Development Certificate.