

PLANNING STATEMENT / SUPPORTING LAWFULNESS STATEMENT

Proposed Lawful Development Certificate

3 Wilmington Close, Hassocks, BN6 8QB

Proposed single-storey side extension linking the existing dwellinghouse to an existing detached garage, together with associated external alterations and replacement of non-matching cladding with materials to match the existing dwellinghouse

Prepared in support of an application under Section 192 of the Town and Country Planning Act 1990

Site address	3 Wilmington Close, Hassocks, BN6 8QB
Application type	Certificate of Lawfulness for Proposed Development
Relevant legislation	Section 192, Town and Country Planning Act 1990; Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended
Proposal summary	Single-storey side extension linking the existing dwellinghouse to the existing detached garage; the existing garage includes a single-storey rear projection.
Materials note	Existing non-matching cladding to the rear projection of the garage is to be removed/replaced with tiles/materials of similar appearance to those used on the existing dwellinghouse.
Purpose of statement	To demonstrate that the proposed works are lawful as permitted development under Class A of Part 1 of Schedule 2 to the GPDO.

1. Introduction

This statement is submitted in support of an application for a Certificate of Lawfulness for Proposed Development under section 192 of the Town and Country Planning Act 1990. The application seeks confirmation that the proposed works at 3 Wilmington Close, Hassocks, BN6 8QB would be lawful if carried out, because they constitute permitted development under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (the “GPDO”).

The proposal comprises a single-storey side extension to the existing dwellinghouse. That side extension would physically link the dwellinghouse to the existing detached garage. The existing garage also has a single-storey rear projection. The proposal has been designed so that, when the proposed side link extension, the existing garage, and the existing garage rear projection are considered as a combined resultant built form, the development remains within the relevant Class A limits on width, depth, height and eaves height.

A key part of the proposal is the treatment of external materials. The existing rear projection to the garage presently includes cladding which does not match the exterior appearance of the dwellinghouse. In order to comply with the GPDO materials condition, this cladding will be removed/replaced and the affected external elevations will be finished with tiles/materials of similar appearance to those used in the construction of the exterior of the existing dwellinghouse. This is an integral part of the proposed development for which the certificate is sought, not a later or separate design amendment.

The application is therefore not seeking a discretionary planning judgement. It seeks a legal determination that the proposed operations would be lawful by virtue of national permitted development rights.

2. Description of the existing site and proposed works

The application site comprises an existing dwellinghouse at 3 Wilmington Close, Hassocks. There is an existing detached single-storey garage within the residential curtilage of the dwellinghouse. The garage includes a single-storey rear projection.

The proposed works are as follows:

1. construction of a single-storey side extension to the dwellinghouse;
2. physical connection of that side extension to the existing detached garage, thereby creating a linked arrangement between the house and garage;
3. retention/incorporation of the existing garage and its rear projection as part of the resultant built form to be assessed for GPDO compliance;
4. replacement of the non-matching cladding to the existing garage rear projection with tiles/materials to match, or be of similar appearance to, the exterior materials of the existing dwellinghouse; and
5. associated making good to provide a coherent single-storey linked elevation.

The proposed description for the application form should therefore be precise and should expressly include the materials alteration. Suggested wording is set out below:

“Proposed single-storey side extension linking the existing dwellinghouse to the existing detached garage, together with associated external alterations including replacement of existing non-matching cladding to the garage rear projection with tiles/materials of similar appearance to the existing dwellinghouse.”

3. The correct legal test

The statutory question under section 192 is whether the proposed operations, if begun on the date of the application, would be lawful for planning purposes. The assessment is legal and factual. It is not an assessment of planning policy, neighbour amenity, character preference or general planning merits.

Government Planning Practice Guidance explains that, for a proposed lawful development certificate, the local planning authority must ask whether the proposed operation, if commenced on the application date, would be lawful for planning purposes. It also confirms that planning merits are not relevant to the determination of a lawful development certificate application.

The applicant has provided clear and precise plans showing the proposed development and the relationship between the dwellinghouse, the proposed side extension, the existing detached garage and the existing garage rear projection. The application also expressly identifies the proposed external materials alteration to ensure compliance with Class A.3(a).

4. Relevant permitted development right: GPDO Schedule 2, Part 1, Class A

Class A permits “the enlargement, improvement or other alteration of a dwellinghouse”, subject to the limitations and conditions in Class A.1, A.2 and A.3.

The proposed side extension is an enlargement of the dwellinghouse. The related external alterations and the creation of the physical link to the garage are part of the same overall operation. Class A does not contain any freestanding prohibition preventing a Class A side extension from physically connecting to an existing garage or domestic outbuilding. Therefore, the correct approach is to assess the resultant development against the express limitations and conditions in Class A.

The important point is that the proposal has been designed so that the development, when assessed as a whole, remains compliant. The applicant does not seek to avoid the GPDO limitations by treating each element in isolation. Instead, the side extension, the existing garage, and the garage rear projection have been considered together so that the combined resultant form remains within the relevant width, depth and height controls.

5. Reference decision: Stafford Borough Council 25/40425DCPP

The submitted reference decision from Stafford Borough Council is directly relevant to the proper approach to this type of proposal. The Stafford application was described as a “Lawful Development Certificate Proposed Link extension from dwelling to garage and alterations to garage”. The officer report recorded that the garage, while internally separate, was linked to the dwelling by a canopy, and that the proposed works included an extension/link passageway between the main house and the garage.

Importantly, Stafford Borough Council did not treat the physical connection between the dwellinghouse and the garage as automatically excluding the proposal from Class A. Instead, the Council assessed the proposed external works against Schedule 2, Part 1, Class A of the GPDO and granted the certificate.

The Stafford officer assessment expressly considered the Class A limitations, including total curtilage coverage, height, eaves height, rear projection, side extension width and the total enlargement provision in A.1(ja). It also placed weight on the fact that the submitted forms confirmed the external materials would have a similar appearance to those used in the existing house.

The approach in the Stafford decision is the correct approach here. The Council should not refuse the certificate merely because the proposal links the dwellinghouse to an existing garage. Rather, the Council should determine whether the resultant development complies with the express Class A criteria. On the submitted plans, it does.

6. Assessment against Class A.1 limitations

The proposal is assessed against each relevant Class A.1 limitation below. The submitted drawings should be read alongside this statement and show the original dwellinghouse, the proposed side extension, the existing garage, the garage rear projection, and the resultant overall dimensions.

GPDO provision	Requirement / limitation	Assessment
A.1(a)	The dwellinghouse must not have been created by specified Part 3 change of use classes.	The application is advanced on the basis that the dwellinghouse is an existing dwellinghouse and was not created by Classes M, N, P, PA or Q. This limitation is satisfied.
A.1(b)	The total area of ground covered by buildings within the curtilage, other than the original dwellinghouse, must	The proposed side extension, existing garage, existing garage rear projection and any other buildings within the

GPDO provision	Requirement / limitation	Assessment
	not exceed 50% of the curtilage excluding the original dwellinghouse.	curtilage are to be counted. The submitted plans demonstrate that the combined coverage remains below 50%. This limitation is satisfied.
A.1(c)	The height of the enlarged, improved or altered part must not exceed the height of the highest part of the roof of the existing dwellinghouse.	The proposed link/side extension and garage arrangement is single-storey and remains below the highest part of the existing dwellinghouse. This limitation is satisfied.
A.1(d)	The eaves height of the enlarged, improved or altered part must not exceed the eaves height of the existing dwellinghouse.	The eaves height of the proposed single-storey linked arrangement remains below the eaves height of the existing dwellinghouse. This limitation is satisfied.
A.1(e)	The enlarged part must not extend beyond a wall forming the principal elevation of the original dwellinghouse, or a side elevation of the original dwellinghouse which fronts a highway.	The proposal is a side/link arrangement and does not project beyond the principal elevation, nor beyond a highway-facing side elevation of the original dwellinghouse. This limitation is satisfied.
A.1(f) / A.1(g)	Single-storey rear extensions must remain within the applicable rear projection and height limits.	Where the existing garage rear projection and the linked arrangement are relevant to the overall assessment, the resultant development remains within the applicable single-storey projection and height limits. The proposal does not exceed 4 metres in height. This limitation is satisfied.
A.1(h)	Restrictions for enlargements of more than one storey.	Not engaged. The proposal is single-storey only.
A.1(i)	Where the enlarged part is within 2 metres of a curtilage boundary, eaves height must not exceed 3 metres.	Where any part of the linked development is within 2 metres of a boundary, the eaves height remains no greater than 3 metres. This limitation is satisfied.
A.1(j)	A side extension must not exceed 4 metres in height, must not have more than one storey, and must not have a width greater than half the width of the original dwellinghouse.	The proposed side/link extension is single-storey, does not exceed 4 metres in height and is no wider than half the width of the original dwellinghouse. The submitted drawings should expressly annotate the original dwelling width and side extension width. This limitation is satisfied.
A.1(ja)	Any total enlargement, being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined, must not exceed the limits in A.1(e) to A.1(j).	This is central to the application. The proposal has been deliberately designed so that the resultant linked built form, considered as a whole, remains within the relevant width, depth, height and eaves controls. The existence of a physical link to the garage is not itself prohibited; the decisive issue is whether the resultant development exceeds the Class A

GPDO provision	Requirement / limitation	Assessment
		limits. It does not.
A.1(k)	The development must not include a verandah, balcony, raised platform, microwave antenna, chimney, flue, soil and vent pipe, or alteration to any part of the roof of the dwellinghouse.	The proposal does not include any of these excluded forms of development. This limitation is satisfied.

7. Specific argument on the link to the existing garage/outbuilding

The principal issue for the Council is likely to be whether the proposed Class A side extension is excluded from permitted development because it physically attaches the dwellinghouse to an existing detached garage. The answer is no.

There is no wording within Class A which states that a side extension ceases to be permitted development simply because it connects to an existing garage or outbuilding. The GPDO is drafted by reference to objective limitations: curtilage coverage, height, eaves height, rear projection, side width, relationship to principal/highway-facing elevations, and excluded forms of development.

If Parliament had intended to impose a freestanding prohibition on link extensions between dwellings and domestic garages/outbuildings, that restriction would appear expressly within Class A. It does not. Instead, Class A requires the resultant development to be tested against the stated limitations.

The proposal is therefore lawful provided the final linked built form remains within the relevant Class A limits. That is precisely what the submitted design achieves. The applicant has assessed the width, depth and height of all relevant parts cumulatively and has ensured that the combined arrangement remains compliant.

This conclusion is consistent with the Stafford Borough Council LDC reference decision, where a link extension from a dwelling to a garage and associated garage alterations were assessed under Class A and granted. The Stafford decision is not binding on Mid Sussex District Council, but it is a persuasive example of the correct legal approach: the physical link is not automatically fatal; the combined development must be tested against the GPDO.

8. Materials compliance: Class A.3(a)

Class A.3(a) requires that 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.

This application expressly addresses that requirement. The existing rear projection to the garage presently includes external cladding which does not match the exterior materials of the dwellinghouse. The applicant recognises that, once the garage and its rear projection form part of the linked resultant arrangement, the external appearance of that element should be brought into compliance with Class A.3(a).

Accordingly, the non-matching cladding to the existing rear projection of the garage will be removed/replaced. The replacement finish will comprise tiles/materials to match, or be of similar appearance to, the exterior materials of the existing dwellinghouse. This ensures that the completed development will not retain a visually inconsistent cladded element which could be said to fail the Class A materials condition.

The materials point is therefore a positive reason to grant the certificate. The proposal does not ask the Council to certify a linked arrangement while leaving non-matching cladding in place. Rather, the application package defines a compliant final scheme: the link extension, garage and rear projection will be read as one coherent domestic built form, with external finishes of similar appearance to the existing dwellinghouse.

For clarity, the certificate should expressly refer to the replacement of the existing non-matching cladding with matching/similar tiles or materials. Suggested certificate wording is:

“The proposed development comprises a single-storey side extension linking the existing dwellinghouse to the existing detached garage, together with associated external alterations including replacement of existing non-matching cladding to the garage rear projection with tiles/materials of similar appearance to the existing dwellinghouse, as shown on the approved plans.”

9. Article 2(3) land, Article 4 directions and removed permitted development rights

The application is advanced on the basis that the site is not within Article 2(3) land, is not within a Site of Special Scientific Interest, is not a listed building, and that permitted development rights under Schedule 2, Part 1, Class A have not been removed or restricted by condition or Article 4 direction.

If the Council identifies any contrary restriction, the applicant requests that it be identified precisely, with the relevant planning permission, condition, Article 4 direction or designation relied upon. In the absence of such a restriction, national permitted development rights remain available.

The proposal has in any event been designed to comply with the ordinary Class A limitations and conditions, including the materials condition.

10. Planning merits are not relevant

The Council is not being asked to exercise planning judgement as part of a householder planning application. Issues such as whether an alternative design might be preferred, whether the link is visually attractive, or whether the garage should remain detached are not determinative in this application.

The lawful development certificate test is whether the proposed operations would be lawful for planning purposes. Where a proposal satisfies the relevant GPDO class, limitations and conditions, the certificate should be granted.

11. Suggested drawing annotations / evidence to assist the officer

To assist the Council in reaching a clear conclusion, the submitted drawings should preferably annotate the following:

- the original dwellinghouse, with the original side and rear walls identified;
- the width of the original dwellinghouse;
- the width of the proposed side/link extension, demonstrating that it is no greater than half the width of the original dwellinghouse;
- the maximum height of the side/link extension and the garage/rear projection arrangement;
- the eaves height, particularly where within 2 metres of a boundary;
- the projection beyond the rear wall of the original dwellinghouse, where relevant;
- the total curtilage area calculation demonstrating compliance with the 50% rule;
- the existing non-matching cladding to be removed/replaced; and
- the proposed replacement tiles/materials of similar appearance to those on the existing dwellinghouse.

Those annotations will help ensure the certificate is granted for the precise development intended and will reduce the risk of the Council alleging ambiguity.

12. Conclusion

The proposed development at 3 Wilmington Close, Hassocks, BN6 8QB constitutes permitted development under Schedule 2, Part 1, Class A of the GPDO.

The proposal would:

1. Comprise the enlargement, improvement or alteration of an existing dwellinghouse;
2. Remain single-storey;
3. Not exceed the height of the highest part of the existing dwellinghouse;

4. Not exceed the eaves height of the existing dwellinghouse;
5. Not project beyond the principal elevation or a highway-facing side elevation;
6. Remain within the relevant rear projection and height limitations;
7. Remain within the side extension limitation on width, height and storeys;
8. Remain compliant when the proposed side link extension, existing garage and garage rear projection are assessed as a combined resultant development;
9. not include any excluded form of development such as a verandah, balcony, raised platform, chimney, flue, soil/vent pipe or roof alteration; and
10. Satisfy Class A.3(a) because the existing non-matching cladding to the garage rear projection will be replaced with tiles/materials of similar appearance to those used on the existing dwellinghouse.

The physical link between the dwellinghouse and the existing garage is not prohibited by Class A. The correct legal assessment is whether the resultant development complies with the express Class A limitations and conditions. On the submitted plans, it does.

The Council is therefore respectfully requested to issue a Certificate of Lawfulness for Proposed Development confirming that the proposed single-storey side link extension and associated external alterations are lawful and do not require express planning permission.

Appendix A – Reference decision relied upon

Stafford Borough Council reference: 25/40425DCPP

Site: 34 Rowley Hall Drive, Stafford, Staffordshire, ST17 9FF

Proposal: Lawful Development Certificate Proposed Link extension from dwelling to garage and alterations to garage.

Officer recommendation: Grant Certificate.

Relevance: This decision demonstrates that a proposed physical link between a dwellinghouse and a garage is not, in itself, treated as fatal to Class A permitted development. The proposal was assessed against Schedule 2, Part 1, Class A of the GPDO and found to comply. The officer report also confirms the relevance of external materials being of similar appearance to those used on the existing house.