

Delegated Decision

Sign off Sheet

Ref. No:	DM/24/3028	Case Officer:	Stefan Galyas
Application Type:	Lawful Development Certificate -Proposed		
Proposal:	Proposed front porch, fenestration alterations and rooflight.		
Site:	1 Adastra Avenue, Hassocks, West Sussex, BN6 8DP, , , ,		
Validation Date	17 Dec 2024	Overall Expiry Date:	10 Jan 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	5 Feb 2025
Target Date:	11 Feb 2025	Recommending Officer Signature:	<i>Stefan Galyas</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	<i>Steven King</i>	Date:	5 Feb 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/24/3028

**1 Adastra Avenue, Hassocks, West Sussex, BN6 8DP, , ,
Proposed front porch, fenestration alterations and rooflight.
Mr C Weeks And Ms H Rich**

REPRESENTATIONS

None received

TOWN/ PARISH COUNCIL OBSERVATIONS

Parish Council: Noted.

INTRODUCTION

This application seeks a lawful development certificate for a proposed front porch, fenestration alterations and rooflight.

RELEVANT PLANNING HISTORY

There is no recent history of planning applications relating to the site.

SITE AND SURROUNDINGS

The site comprises a detached bungalow with a hipped roof, set to the north-eastern side of the highway. The property is set back from the pavement edge by a front driveway and gravelled front garden space. The rear garden amenity space is primarily paved and the existing dwelling has previously been extended into this space through the addition of a conservatory. The existing property is composed of brick exterior walls finished in a white render paint, a tiled roof and white uPVC windows and doors. There are a number of other bungalows within the site's immediate locality which have been altered and extended in varying forms, such as through the addition of solar panels and rooflights.

APPLICATION DETAILS

The application includes the addition of a front (south-western) elevation porch with a pitched roof. The proposal would measure at approximately 1.3m deep, 2.3m wide, have an eaves height of 1.6m and a ridge height measuring at 3m. The porch extension would be constructed of rendered exterior walls.

A new velux rooflight would be installed into the north-western roof pitch as part of the proposed development. Furthermore, a number of windows would be altered to both the side (south-eastern) and rear (north-eastern) elevations. The existing conservatory would be removed as part of the proposed development as well.

LEGAL FRAMEWORK

This application is to establish whether the proposed development would benefit from permitted development rights and will be a legal decision; planning merits cannot be taken into account when considering this application.

The proposed new porch, rooflights and window alterations would be tested against the relevant criteria of Part 1, Class A, C and D of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), as detailed below:

Permitted Development

The proposed alterations to the windows on both side (south-east and north-west) elevations and the rear (north-east) elevation would be assessed against Class A of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended):

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);
- (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);
- (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;
- (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;
- (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;
- (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;
- (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;
- (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;]
- (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;
- (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;
- (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);
- (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 or
- (l) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).

Where development meets the above criteria, a number of conditions must also be adhered to in order to be considered permitted development:

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;

(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

(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

The proposed rooflights to the side (north-western) elevation would be required to comply with the provisions of Part 1, Class C Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended):

C. Any other alteration to the roof of a dwellinghouse.

C.1 Development is not permitted by Class C 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);

(b)the alteration would protrude more than 0.15 metres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof;

(c)it would result in the highest part of the alteration being higher than the highest part of the original roof;

(d)it would consist of or include—

(i)the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or

(ii)the installation, alteration or replacement of solar photovoltaics or solar thermal equipment or

(e)the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).

C.2 Development is permitted by Class C subject to the condition that any window located on a roof slope forming a side elevation of the dwellinghouse must be—

(a)obscure-glazed; and

(b)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.

The proposed porch to the principal (south-western) elevation would be assessed against Part 1, Class D Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), as detailed below:

D. The erection or construction of a porch outside any external door of a dwellinghouse.

D.1 Development is not permitted by Class D 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);

(b)the ground area (measured externally) of the structure would exceed 3 square metres;

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

(d)any part of the structure would be within 2 metres of any boundary of the curtilage of the dwellinghouse with a highway; or

(e)the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses)

ASSESSMENT

The property's planning history has been checked and household permitted development rights are understood to be intact. The property is not located on Article 2(3) land.

The proposed front porch would measure at approximately 3 square meters in footprint when measured externally and would therefore comply with Class D1b. The proposed ridge height would measure at 3m high and would therefore comply with D.1c. The submitted block plan shows the property as being set back approximately 6.4m away from the highway edge. Given that the porch will measure at 1.3m in depth, the proposal is considered to comply with Class D.1d.

With regards to the proposed windows, the proposed insertions and blocking up of the various openings to the different elevations are considered to be of a similar appearance to that of the existing dwellinghouse and would comply with Class A.3a.

Finally, the creation of a rooflight to the side (north-western) roof slope would not protrude more than 0.15m beyond the plane of the existing roofslope and would comply with Class C.1b. The window would remain in an obscure glazed finish and would be set at 2.5m above finished floor level, therefore the proposal would comply with Class C.2a and C.2b.

CONCLUSION

In conclusion, the proposed development is deemed to comply with the applicable permitted development criteria as set out within Class A, C and D of Part 1 to Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and therefore a certificate can be issued.

Decision: Permission

Case Officer: Stefan Galyas