

Brighton and Hove City CouncilDevelopment Control
1st Floor, Hove Town Hall
Norton Road
Hove, BN3 3BQ

01 / April / 2024

PROJECT No.

23401

SITE ADDRESS:

7 Sandgate Road, Brighton, BN1 6JP

PLANNING STATEMENT

Proposed development: The insertion of a new ground floor side door (Class A) and new roof materials and replacement windows to the front and rear roof dormers & insertion of a flat roof light to rear flat roof (Class C), and at 7 Sandgate Road.

This statement explains that the proposed development as illustrated on the submitted drawings complies with the respective requirements set out in Schedule 2, Part 1, Classes A and C of the Town and Country Planning (General Permitted Development) (England) Order 2015. This relates to development within the curtilage of a dwellinghouse. The proposed works are not restricted by any Article 4 Directions or removal of permitted development rights by way of planning conditions affecting the property.

This statement addresses each type of development in turn against the relevant aspect of the GPDO.

Class A

Proposed development: The insertion of a new ground floor side door.

This statement explains that the proposed development as illustrated on the submitted drawings complies with the requirements set out in Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015. This relates to development within the curtilage of a dwellinghouse.

PERMITTED DEVELOPMENT	APPLICANTS RESPONSE
A. The enlargement, improvement or other alteration of a dwellinghouse.	The application is for alterations 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 or Q of Part 3 of this Schedule (changes of use);	The dwellinghouse was not granted by virtue of the listed classes.
(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);	The proposed alteration does not alter the total area of ground covered by buildings within the curtilage of the 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;	The proposed alteration does not alter the height 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;	The proposed alteration does not alter 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;	The proposed alteration does not enlarge the existing 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;	The proposed alteration does not enlarge the existing dwellinghouse.
(g) until 30th May 2019, 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;	Criterion (g) of the order is complied with as the proposal dates after 30th May 2019 and the proposed alteration does not enlarge the existing dwellinghouse.
(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 opposite the rear wall of the dwellinghouse;	The proposed alteration does not enlarge the existing 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;	The proposed alteration does not enlarge the existing dwellinghouse.
(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; or	The proposed alteration does not enlarge the existing dwellinghouse.
(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.	The proposal does not include the construction, provision, alteration or replacement of any of the specified items.

PERMITTED DEVELOPMENT**APPLICANTS RESPONSE**

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

The proposal is not on article 2(3) land.

(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

The proposal is not on article 2(3) land.

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

The proposal is not on article 2(3) land.

CLASS A CONDITIONS**APPLICANTS RESPONSE**

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

The proposed materials will be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;

(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—

The proposal does not include the provision of any upper floor windows to a side elevation of the dwellinghouse.

(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, 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 alteration does not enlarge the existing dwellinghouse.

CLASS A CONDITIONS**APPLICANTS RESPONSE**

A.4—(1) The following conditions apply to development permitted by Class A which exceeds the limits in paragraph A.1 (f) but is allowed by paragraph A.1 (g).

Criterion A4 of the order is complied with as the proposal dates after 30th May 2019.

CONCLUSION

The proposed works constitute 'permitted development' by reason of complying with the criterion in Class A and therefore is lawful by virtue of Class A of Part 1 of The Town and Country Planning (General Permitted Development) (England) Order 2015.

Class C

Proposed development: Insertion of a flat roof light to rear flat roof.

This statement explains that the proposed development as illustrated on the submitted drawings complies with the requirements set out in Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015. This relates to development within the curtilage of a dwellinghouse.

For the avoidance of doubt, Class B relates to 'the enlargement of a dwellinghouse consisting of an addition or alteration to its roof'. As the provision of rooflights to the existing roof does not constitute an enlargement, the provisions of Class do not apply. The provisions of Class C; 'other alterations to the roof of a dwellinghouse' do apply.

PERMITTED DEVELOPMENT	APPLICANTS RESPONSE
C. Any other alteration to the roof of a dwellinghouse.	The proposal consists of an alteration to the existing roof of the dwellinghouse by way of the provision of new roof materials and replacement windows to the front and rear roof dormers and a single fixed flat roof lights to the existing rear flat roof. As no enlargement is occurring as a direct result of the roof light, the development is considered to be an alteration/s to the roof of the dwellinghouse.

PERMITTED DEVELOPMENT	APPLICANTS RESPONSE
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 M, N, P or Q of Part 3 of this Schedule (changes of use);	The dwellinghouse was not granted by virtue of the listed classes.
(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;	The proposed roof light will not protrude beyond the plane of the roof by more than 150mm.
(c) it would result in the highest part of the alteration being higher than the highest part of the original roof; or	The proposed alterations would not exceed the highest part of the original.
(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.	The proposal does not include the installation, alteration or replacement of any of the specified items.

CLASS C CONDITIONS	APPLICANTS RESPONSE
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 windows or roof light are not located on a roof slope forming a side elevation. As such, there is no requirement for the openings to be obscurely glazed or non-opening.

CONCLUSION

The proposed works constitute 'permitted development' by reason of complying with the criterion in Class A and therefore is lawful by virtue of Class A of Part 1 of The Town and Country Planning (General Permitted Development) (England) Order 2015.