n.j.a town planning Ltd

Applications & Appeals Services
The Beehive, City Place, Gatwick, RH6 0PA
[redacted]

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APPLICATION UNDER CLASS A OF THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015

Dear Sir/Madam

[redacted] [redacted]

Proposal: **Replacement of existing timber-framed windows with black aluminum-framed casement windows and retaining existing opening arrangements**

Site: **Fir Trees, Westward Lane, West Chiltington, West Sussex RH20 2PA**

Please find enclosed a completed application for the above proposal. The application comprises the following documents together with application fee which will be paid separately.

The application comprises the following drawings and details:

- Application Form and Certificate
- Supporting Statement (page 3 onwards below)
- Applicants Information Pack & Photographs
- Decision Notice dated 26 June 2014 & Delegated Report for DC/14/0934
- Decision Notice for DC/24/1905
- Decision Notice DC/07/1415
- Drawing Nos:

- 26624/P100 – Location & Block Plan
- 26624/P101 – Existing Site Plan – 1-200 at A2
- 26624/P102 – Existing Elevations
- 26624/P103 – Proposed Elevations
- 26624/P104 – Existing Window & Door Elevations
- 26624/P105 – Proposed Window & Door Elevations
- 26624 Window Door Details – supplier details
- 26624 Door Specification – manufacturer information

I trust the enclosed documents are in order and I look forward to receiving confirmation that the application has been validated. In the meantime, however, please do not hesitate to contact me should you require any further information.



Nikolas J. Antoniou
BSc HONS DIPTP MRTPI
Chartered Town Planner
For and on behalf of NJA Town Planning Limited

SUPPORTING STATEMENT

Introduction

This application is submitted under the provisions of Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) which sets out that the enlargement, improvement or other alteration of a dwellinghouse does not require planning permission, subject to defined criteria.

The Site and Planning History

Fir Trees is a detached, two storey property on the northern side of Westward Lane constructed in the 1980's. It occupies a landscaped plot and is set back from the lane behind mature hedging, trees and timber entrance gates. Its elevations comprise white render, brickwork and black cladding beneath a tiled pitched roof. It is not a historic Wells Cottage, and it is not Listed.

The site lies within the West Chiltington Lanes Conservation Area and is consequently article 2 (3) land for the purposes of GDPO. This designation engages the additional limitations in paragraph A.2, but does not in itself prohibit the replacement of windows and doors under Class A.

The Applicants photographs show the front and rear elevations and the relationship of the house to Westward Lane. Screening limits public views, although the assessment of external appearance is not confined to views form the public highway.

The planning history identified includes DC/07/1415 (conservatory to the front elevation) and DC/14/0934 (two-storey rear extension with front dormer, roof window and internal alterations). Both applications were granted permission. More recently, DC/24/1905 relates to garden and associated works.

Permission DC/14/0934 was granted on 26 June 2014. Conditions imposed relate to commencement, materials and finishes of external walls and roofs, compliance and approved plans. It is significant to note that:

a) there is no condition withdrawing Part 1 Permitted Development Rights;

b) there is no requirement that replacement windows/doors are to remain timber; and c) the materials condition is expressly confined to external walls and roofs.

The approved Side Elevation Plan Drawing 06 depicts a window (subsequently noted as W17 in current drawings 26624/P103), with stained border to match existing double glazed lead-light units.

DC/24/1905 does not withdraw the relevant householder permitted development rights.

No applicable Article 4 Direction withdrawing the relevant Class A rights has been identified in the available material and this application is submitted on the basis that those rights remain available.

Background and Proposal

The existing timber windows are painted black and contain double glazing with decorative lead-light patterns. The Applicant reports deterioration, draughts, problematic locks and overall security concerns. Replacement is proposed within the existing structural openings, retaining the established window sizes, proportions, black finish and lead patterns.

The Proposed works are depicted by Drawings P103 and P105, read in conjunction with the supplier details. P105 identifies aluminum replacement windows W01-W17 and aluminum doors D02-D07. D01 comprises a naturally finished Accoya entrance door and black aluminum adjoining windows. Minor changes to the entrance glazing and individual door arrangements are shown.

No enlargement of the openings, extension, changes to the roof or alteration of the surrounding wall finishes are proposed and therefore do not form part of the application. The proposed lead-light treatment is decorative leading applied to the glass, rather than structural glazing bars.

It is noted that aluminum window replacements exist elsewhere within the West Chiltington Lanes Conservation Area including at Lantern Cottage opposite and Thrums immediately to the west.

Assessment under Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

Class A concerns the enlargement, improvement or other alteration of a dwelling house. Fir Trees is an existing dwelling house, and window and door replacement is consistent with "improvement" or "other alteration".

Permitted development

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

The property is a dwellinghouse. The proposal is to improve/alter the property. This Class is therefore relevant for consideration.

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);

The property was built as a dwellinghouse and has always been used as such. This criterion is met.

(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 total area of ground covered by buildings within the curtilage of the dwellinghouse is not altered by this proposal. This criterion is met.

(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 height of the dwellinghouse is not being altered. This criterion is met.

(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 height of the eaves of the dwellinghouse are not being altered. This criterion is met.

(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 proposal does not entail enlargement of the dwellinghouse. This criterion is met.

(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 proposal does not entail enlargement nor extension of the dwellinghouse. This criterion is met.

(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;

The proposal does not entail enlargement nor extension of the dwellinghouse. This criterion is met.

(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;

The proposal does not entail enlargement nor extension of the dwellinghouse. This criterion is met.

(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 proposal does not entail enlargement of the dwellinghouse. This criterion is met.

(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;

The proposal does not entail enlargement of the dwellinghouse. This criterion is met.

(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);

The proposal does not entail enlargement of the dwellinghouse. This criterion is met.

(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 provision of any of these elements. The criterion is met.

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

The dwellinghouse was not built under Part 20. The criterion is met.

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).

The proposal does not include any of the provisions outlined (a)-(d). This criterion is met.

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;

(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.

AA2 (a) seek the materials used in exterior works to be similar in appearance to those used in the exterior of the existing dwelling house. This is a test of appearance, rather than a requirement to retain the same constituent material.

The government's "Permitted Development Rights for Householders: Technical Guidance" explains that replacement windows may be made of a different material. It states;

"What is important is that they give a similar visual appearance to those in the existing house, for example in terms of their overall shape, and the colour and size of the frames."

Black aluminum is therefore not excluded simply because the existing frames are black painted timber.

Drawings P102 and P104 highlight the existing arrangement; whilst Drawings P103 and P105 identify the proposed replacements. For W01-W17 the opening positions and dimensions, overall proportions, black exterior finish and lead-light patterns are retained, with the proposed casements reproducing the established configuration.

The existing door openings and overall proportions are retained. Black framing and the leaded light treatment maintain continuity with the existing fenestration.

At D01 the naturally finished timber entrance door retains the established timber character, while the adjoining glazed elements are included as part of that entrance

composition. Changes in detailing do not automatically prevent similarity of appearance.

A recent appeal decision supports this interpretation. At 110 Church Street Braintree (Ref APP/Z1510/X/24/3350595 dated 24 November 2025), the inspector allowed an appeal concerning the replacement of three timber windows with uPVC windows. The decision assessed color, frame size and pain arrangement, and did not treat the change of material or opening method as determinative.

Upper floor side window W17

A3 (b) requires an upper floor window in a side wall or roof slope to be obscure glazed and non opening, unless the opening parts are more than 1.7 metres above the room floor. Window W17 is a first floor side bedroom window and Drawing P105 specifies clear glazing as per the current arrangement.

W17 replaces an existing window in the same opening. Its dimensions, casement configuration, black finish, leaded light treatment and clear glazing are retained, and the change of frame material does not produce a material alteration to the external appearance of the building. Comparison highlights that this is not the introduction of a new window or a new overlooking concern, but the retention of an existing arrangement.

It is submitted that this replacement is an improvement with no material effect on the building's external appearance in accordance with Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Alternative Assessment under Section 55

In addition to the assessment under Class A above, it is submitted that the proposed replacement works could also be considered under section 55(2)(a) of the Town and Country Planning Act 1990. Having regard to the retention of the existing openings, overall proportions, colours and lead-light patterns, it is considered that the closely matching replacement windows would not materially affect the external appearance of the dwellinghouse and would therefore not constitute development.

Should the Council consider that any aspects of this proposal do not benefit from permission under Class A, it is requested that their lawfulness be assessed on this alternative basis. This particularly applies to window W17.

Conclusions

The proposed replacement fenestration is confined to the existing openings and does not enlarge the dwelling. The relevant A1 and A2 limitations are not infringed. The comparison of existing and proposed windows and doors supports compliance with a 3A(a), notwithstanding the change from timber to aluminum for the identified units.

It is therefore concluded that the proposed additions meet the requirements to comprise permitted development, and it is requested that a Certificate of Lawfulness be granted for the proposed works.

