Development Management - Delegated Officer Report

Application Number: AWDM/0515/25 Recommendation – APPROVE

Site: 98 Upper Brighton Road, Sompting, BN15 0LA

Proposal: Application for Lawful Development Certificate for a proposed triple garage with workshop, access from Downs Mead

Date of site visit: N/A Assessment has also been assisted using the Applicants plan; Earthlight mapping; and Google 3D of the site

Neighbours checked: Y

Additional neighbour notifications: N

Site and Surroundings:

No. 98 is located on the north side of Upper Brighton Road which is a Trunk Road (A27). It is a detached 1 ½ storey dwelling which sides onto Hillside Avenue to the west, and backs onto Downs Mead to the north. It has a pedestrian access to the front and also to the side/rear onto Hillside Avenue.

The main amenity land to the property is to the side next to Hillside Avenue, and all landscaping on the side has recently been cleared.

The property is not Listed Building, nor is it within a Conservation Area.

Proposal:

A Certificate of Lawfulness is sought for:-

- Single storey flat roof. detached triple garage with workshop to the side of the dwelling and within the curtilage of no. 98 Upper Brighton Road;
- The triple garage building is shown to measure 7.075m wide x 11.350m long x 2.5m high;
- It will have a set in dog leg of 1.5m on the west side;
- It will have 2no. windows on the south elevation, 1no. window on the west elevation; 1no. window on the east elevation, and a double up and over garage door on the north elevation;
- Vehicular access is shown from Downs Mead to the north of the site.

Planning Assessment

Principle

The proposal for the triple garage will be viewed against the criteria of permitted development as laid out within The Town and Country Planning (General Permitted Development) (England) Order 2015 as amended

Consideration

Schedule 2, Part 1, Development within the curtilage of a dwellinghouse.

Class E – buildings etc incidental to the enjoyment of a dwellinghouse

Permitted Development

E. The provision within the curtilage of the dwellinghouse of –

(a) any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure; or
(b) a container used for domestic heating purposes for the storage of oil or liquid petroleum gas.

Development not permitted

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

Analysis: The above does not apply

(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);

Analysis: The extension together with other buildings etc., do not exceed 50% of the total area of the curtilage etc.

(c) any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse;

Analysis: The principal elevation of the original dwellinghouse is the front (south) elevation, and the proposed front elevation of the detached triple garage building will

be level with the original dwellinghouse and thereby will not be forward of the principal elevation.

(d) The building would have more than a single storey;

Analysis: The proposed building is shown to be single storey with a flat roof;

(e) The height of the building, enclosure or container would exceed -

(i) 4 metres in the case of a building with a dual-pitched roof,
(ii) 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse, or
(iii) 3 metres in any other case;

Analysis: The detached building is within 2 metres of the west boundary, but has a flat roof shown to be 2.5m in height;

(f) The height of the eaves of the building would exceed 2.5 metres;

Analysis: The height of the flat roof building would be 2.5 metres, and the eaves would be lower than the flat roof.

(g) The building, enclosure, pool or container would be situated within the curtilage of a listed building;

Analysis: Does not apply.

(h) it would include the construction or provision of a verandah, balcony or raised platform;

Analysis: None are shown on the proposed plan.

(i) It relates to a dwelling or a microwave antenna;

Analysis: The proposal will be a garage and workshop and not a dwelling or a microwave antenna

(j)the capacity of the container would exceed 3,500 litres; or

Analysis: There is no container within the proposal.

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

Analysis: Does not apply

E.2 In the case of any land within the curtilage of the dwellinghouse which is within –

(a) an area of outstanding natural beauty;
(b) the Broads;

(c) a National Park; or
(d) a World Heritage Site,

development is not permitted by Class E if the total area of ground covered by buildings, enclosures, pools and containers situated more than 20 metres from any wall of the dwellinghouse would exceed 10 square metres.

Analysis: None of the above apply.

E.3 In the case of any land within the curtilage of the dwellinghouse which is article 2(3) land, development is not permitted by Class E if any part of the building, enclosure, pool or container would be situated on land between a wall forming a side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse.

Analysis: The site is not article 2(3) land.

Interpretation of Class E

E.4 For the purposes of Class E. "purpose incidental to the enjoyment of the dwellinghouse as such" includes the keeping of poultry, bees, pet animals, birds or other livestock for the domestic needs or personal enjoyment of the occupants of the dwellinghouse.

Analysis: The proposal will be incidental etc. to the dwelling on site, namely no. 98 Upper Brighton Road. It should be noted that at the time of application no. 98 is a single dwelling.

Part 2

Minor operations

Class B – means of access to a highway

Permitted development

B. The formation, laying out and construction of a means of access to a highway which is not a trunk road or a classified road, where that access is required in connection with development permitted by any Class in this Schedule (other than by Class A of this Part).

Analysis: The means of access shown on the plans is not to a trunk road or a classified road. It is required in connection with development permitted by Class E and it is within the same Schedule 2.

Recommendation

Issue a Certificate of Lawfulness as the proposal is permitted development under Schedule 2, Part 1 Class E; and Part 2 Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.

Reason for Recommendation

The proposal constitutes ‘development’ as defined by Section 55 of the Town and Country Planning Act 1990, and is permitted by Schedule 2 , Part 1, Class E; and Part 2 Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.

Case Officer: Eve Hearsey Date: 01.07.2025

Authorised by: Peter Barnett Date: 1 July 2025