Expiry Date - 13/06/2023

Development Control – Delegated Officer Report

Application Number: AWDM/0573/23 Recommendation – APPROVE

Site: 43 Sea Lane Worthing West Sussex BN12 4QD

Proposal: Application for Certificate of Lawfulness for proposed construction of garden home office cabin in rear garden

Site visit: 18.05.2023

Proposal, Site and Surroundings

The application relates to a white rendered, detached 1930's 'Art Deco' style house located on the west side of Sea Lane set back from the road by a soft-planted garden and block paved driveway. The house has been enlarged by a first-floor side extension and single-storey rear extension.

There is a good sized garden to the rear enclosed by a mix of fencing to a standard height.

Planning History

AWDM/0551/17 First-floor side extension to south elevation and single-storey rear extension to west elevation. Approved and first-floor side extension implemented.

AWDM//1255/20 Demolition of existing conservatory. Proposed single-storey rear extension to west elevation. Approved and implemented.

Planning Assessment

Principle

A CLPUD is sought to erect a detached outbuilding in the rear garden. Plans submitted with the application show it would be a timber-framed construction 11.3m wide by 4m deep with a shallow mono pitch roof maximum 2.5m high. It would be clad in black vertical cladding with anthracite grey windows, and bi-fold doors facing onto the garden. It would be sited a minimum 1.1m from the rear western site boundary, 1.2m from the northern boundary and 1.2m from the southern boundary. The accommodation would consist of a home office/studio, WC and store.

Existing sheds and a greenhouse in the NW corner of the garden would be removed to accommodate the outbuilding. A medium sized silver birch tree in the garden close to the southern site boundary would be retained.

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

Consideration

Class E – buildings etc. INCIDENTAL to the enjoyment of a dwellinghouse.

Although the outbuilding would have a large footprint it would not be out of scale within this good sized rear garden. The proposed use as a home office/studio with WC + hand basin plus a separate store would be incidental to the domestic use of the existing dwelling.

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 M, N, P, PA or Q of Part 3 of the Schedule (changes of use);

Analysis: The dwellinghouse has not been created through change of use by virtue of Part 3.

b) the total area of ground covered by buildings, enclosures and containers within the curtilage (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 total area of ground covered does not exceed 50% of the curtilage.

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 development would not be situated on land forward of the a wall forming the principal elevation of the original dwellinghouse.

d) the building would have more than a single storey.

Analysis: The development would not have more than 1 storey.

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 proposed outbuilding would be sited within 2m of the site boundaries but would not exceed 2.5m in height.

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

Analysis: It is not within the curtilage of a listed building

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

Analysis: The front (east) face of the outbuilding with door, window and bi-folds, is recessed into the outer frame of the building by 0.3m but in given its shallow depth is not considered to comprise a verandah, balcony or raised platform

i) it relates to a dwelling or a microwave antenna; or

Analysis: It does not relate to a dwelling or a microwave antenna

j) the capacity of the container would exceed 3,500 litres.

Analysis: N/A

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

Analysis: The dwellinghouse has not been created by virtue of Part 20.

E2 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 20metres from any wall of the dwellinghouse would exceed 10 square metres.

Analysis: The site is none of the above

E3 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: This site is not within a Conservation Area

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Recommendation

Issue a Certificate of Lawfulness for proposed garden home office cabin in rear garden, the submission of a planning application for the works will not be required.

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

Case Officer:	Jo Morin	Date: 18.05.2023
Authorised by:	Gary Peck	Date: 18 May 2023