Development Control – Delegated Officer Report

Application Number: ADC/0151/09 **Recommendation - REFUSE**

Site: **53 Park Avenue, Shoreham-by-Sea BN43 6PG**

Proposal: **Proposed garage attached to north side of bungalow using existing access (application for certificate of lawfulness)**

The Application

The application is to determine whether a planning application is required for the proposed erection of a double garage attached to the north side of a previous north side extension to this semi-detached bungalow. The property is situated on the corner of the junction with Upper Shoreham Road and has an existing vehicular access to that road (SU/69/94/TP).

The proposed garage would measure 5.7m long and 5.1m wide and it would have a false pitched roof with a maximum height above ground level of 2.5m (dimensions stated on the application plan). It would be 0.8m from the rear (west boundary) and 0.6m-1.3m from the roadside (north) boundary.

Assessment

The proposal is clearly 'development' as defined by section 55 of the T&CP Act 1990.

As the garage is to be attached to the dwelling it constitutes the 'enlargement of a dwellinghouse'. The relevant Class A of Part 1 of Schedule 2 to the Town & Country Planning (General Permitted Development) Order 1995 (as amended in 2008). This confers permission (termed 'permitted development') for enlargements to dwellinghouses. It contains a number of limitations:-

(a) Ground coverage (excluding original dwelling) not to exceed 50% of curtilage – the proposal meets this requirement.
(b) N/A (as does not exceed highest part of roof of dwelling).
(c) Must not exceed eaves height of dwelling – the proposal meets this requirement.
(d) Must not extend beyond a wall fronting a highway which forms either a principal or side elevation – the proposal does NOT meet this requirement as it is forward of the side elevation fronting Upper Shoreham Road.
(e) Must not project beyond rear wall of dwelling by more than 3m – it meets this requirement.
(f) N/A (as not two-storey).
(g) N/A (as eaves height does not exceed 3m).
(h) Must not, if it extends beyond side wall of original dwelling, have a width greater than half the width of the original dwelling – the proposal

does NOT meet this requirement as it has a width of 5.1m which is more than half the width of the original bungalow (8m).

(i) N/A (as it does not include a veranda, balcony or raised platform, or an antenna, or a chimney, flue, soil or vent pipe, or any (material) alteration to any part of the roof of the dwelling.

It is not Article 1(5) land (ie. not in a Conservation Area) but a condition applies, namely that exterior materials shall be of similar appearance to those of the existing building – the submitted plan does provide any information on the materials. The walls could be constructed to match the bungalow as could the false pitched surround. The flat roof itself would not match any existing material but the Guidance recently issued by central Government (DCLG) expresses the view that it is the appearance that matters, not the type of material, and that colour, prominence and visibility are relevant factors "for example, the flat roof of a dormer at or near ridge height will often not be visible and we would hope planning authorities would consider this aspect". Taking account of this authoritative advice, the flat roof would not appear to conflict with this requirement because it is hidden by the pitched surround.

In conclusion, the proposal is NOT 'permitted development' because it is attached to the dwelling and extends beyond a wall fronting the highway which forms the side elevation and also because it has a width greater than half the width of the original dwelling. It, therefore, requires an application for planning permission.

Recommendation

That a Certificate of Lawfulness be issued that an application for planning permission is required.

Description: Proposed garage attached to north side of bungalow using existing access

Land at: 53 Park Avenue, Shoreham-by-Sea, shown outlined in red on the plan

Reason:- The proposed building works fall within the definition of 'development' as defined by section 55 of the Act. As they are attached, they constitute the enlargement of the dwelling and they contravene the provisions sub paras (d) and (h) of A.1 of the relevant Class A of Part 1 of Schedule 2 to the Town & Country Planning (General Permitted Development) Order 1995 (as amended in 2008) because they extend beyond a wall forming the side elevation of the dwelling which fronts the highway and also because they have a width greater than half the width of the original dwelling. Also, it is unclear whether the exterior materials are of similar appearance to those of the existing dwelling as required by condition A.3(a).

Case Officer.. [redacted] Date....30/4/09.....