

Development Management - Delegated Officer Report

Application Number: AWDM/0123/26

Recommendation – APPROVE

Site: 55 Stoney Lane, Shoreham-by-Sea, BN43 6LD

Proposal: Application for Lawful Development Certificate for a Proposed Garden Room.

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. 55 Stoney Lane is a two storey semi-detached dwelling situated on the east side of the road, on a corner site near the junction with Clarendon Road. There is a grass verge to the front of the property with a slight rise and as the verge continues to the south, verge rise. On the rise there is a hedge separating the road from the pavement and the dwellings.

The side and rear gardens of no. 55 abut Clarendon Road. A corner of the rear garden is sectioned off to allow for car parking for the property from a vehicular crossover off Clarendon Road. A garage for the property is positioned at the rear of the garden and the door for the garage is directly abutting the car parking space.

The street comprises predominantly terraced and semi-detached residential dwellings, some as blocks of flats.

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

Proposal:

A Certificate of Lawfulness is sought for:-

- Removal of existing garage;
- Construction of new outbuilding partly on the footprint of the removed garage;
- Measuring some 6.7m long x 3.3m wide x 2.497m high;
- Use is shown on the plans as a study and a store. The application form states that the building is a proposed garden room;
- Building positioned 1m from boundary with no. 2 Clarendon Road, and 1m from boundary with no. 53 Stoney Lane.

Planning Assessment

Principle

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 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) 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 detached outbuilding 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 detached outbuilding is not situated on land forward of the principal elevation as it is sited to the rear and within the rear garden.

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

Analysis: The detached outbuilding is single storey only.

(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 submitted plans show that the outbuilding is within 2m of the boundaries and is less than 2.5m in height.

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

Analysis: The detached outbuilding is single storey and in line with (e) above the eaves would not exceed 2.5m

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

Analysis: The site 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: None of the above are shown as being constructed.

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

Analysis: The detached outbuilding is shown to be used as a study and as a store. The application form states that the building is a proposed garden room.

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

Analysis: Does not apply as not a storage container

(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 applies.

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 land is not on 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.

Recommendation

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

Case Officer: Eve Hearsey

Date: 25.03.2026

Authorised by: Peter Barnett

Date: 25 March 2026