Development Control – Delegated Officer Report

Application Number: AWDM/0968/20 Recommendation – Approve

Site: 24 Millcroft Avenue, Southwick

Proposal: Application for Certificate of Lawfulness for proposed garden room/gym in rear garden

Site visit: N

Proposal, Site and Surroundings

This application seeks a Lawful Development Certificate for a proposed single storey garden room/gym within the rear garden of 24 Millcroft Avenue, a semi-detached bungalow.

The property enjoys a larger garden than its neighbours and Google Maps reveals that there are a number of outbuildings already on the site which will be replaced by the proposed building.

It will measure 11.5m long (including roof overhang) by 6.4m wide and 4m high. It is pitch roofed and will be timber framed with slate effect roof tiles. It will have two sets of sliding doors at the front, rooflights at the rear and is to be sited in the NE corner of the garden.

The plans show the building will be a gym with a shower, toilet and hand basin at the western end.

The building will have an internal area of approximately 60m2.

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 Permitted Development

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

The building is to be used for purposes incidental to the enjoyment of the dwelling house as it is to be used as a gym and garden room. At 60m2 it is large but is considered to be of a size sufficient to be considered as incidental, particularly as the property enjoys a large garden.

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 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 building would be 4m high but would be no closer than 2m from the boundary. The plans show the building would be on uneven ground, with a slight slope from rear to front. The DCLG Householder Technical Guidance states that "*The height of the building, enclosure or container should be measured from the highest ground level immediately adjacent to the building, enclosure, or container to its highest point*." In this case the measurement from the highest ground level to the ridge is 4m.

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: It does not include any of these

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

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 not within any 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

Recommendation

Issue a Certificate of Lawfulness for Proposed Development, the submission of a planning application for the works will not be required.

Reasons for Recommendation

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, as amended.

Case Officer: Peter Barnett Date: 3 August 2020

Authorised by: Gary Peck Date: 3 August 2020