Expiry Date - 31/08/2023

Development Control – Delegated Officer Report

Application Number: AWDM/0954/23 **Recommendation – APPROVE**

Site: **22 Seldens Way Worthing West Sussex BN13 2DL**

Proposal: **Application for a Lawful Development Certificate for a Proposed construction of a single storey mono pitched garden room to the rear.**

Proposal, Site and Surroundings

The proposal seeks confirmation, within an application for Lawful Development Certificate for a Proposed use or development for proposed construction of a single storey mono pitched garden room to the rear is permitted development as defined within the Town and County Planning (General Permitted Development) (England) Order 2015.

Planning Assessment

Property is a semi-detached dwelling with no relevant Planning History in relation to the proposed garden room

AWDM/0919/15: Conservatory to be added to existing rear single storey extension to rear (north) elevation – Permitted.

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

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.

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 detached garden building would be more than 2.5m high but not more than 3m high. No part will be within 2m of any site boundary.

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 the construction or provision of 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: e.g. 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 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

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.

Case Officer: Dawn Anthony-Unsted Date: 2nd August 2023

Authorised by: Jo Morin Date: 02.08.2023

Expiry Date - 31/08/2023