Development Management – Delegated Officer Report

Application Number: AWDM/0575/25 Recommendation: APPROVE

Site: 104 Marlowe Road Worthing West Sussex BN14 8EZ

Proposal: Application for a Lawful Development Certificate for a proposed outbuilding

Date of Site Visit: NA

Site and Surroundings

The site is located on the northern side of Marlowe Road. The property contains a two-storey, end-of-terrace single dwellinghouse. The rear of the property backs onto a twitten and to the rear of the twittten is a piece of land seemingly associated with Whytemead Primary School and the Broadwater roundabout.

The property does not contain a listed building, nor is it within a conservation area.

Proposal

A Certificate of Lawfulness is sought to provide an outbuilding in the rear garden. The floor plans show a garden room and a store.

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.

Analysis: The building must be required for a purpose incidental to the enjoyment of the dwellinghouse. Page 41 of the Government Guidance on PD rights for householders states: - " A purpose incidental to a house would not, however, cover normal residential uses, such as a separate self contained accommodation or the use of an outbuilding for primary living accommodation such as a bedroom, bathroom, or kitchen."

The floorplans show a garden room and store which are considered to be incidental uses.

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: This is not the case for this property.

(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 50% will not be exceeded. Extension and outbuilding cover approximately 17%

(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 new building will be within the rear garden, therefore the above does not apply.

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

Analysis: The building will be single storey as shown on the submitted plans.

(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 is within 2 metres of a boundary; and has a flat roof to a Height of 2.497m

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

Analysis: Eaves height is 2.497m

(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 on the plans.

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

Analysis: None are shown on the plans.

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

Analysis: NA

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

Analysis: The above 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: The site is not within any of the above list.

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 site is not within 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 but is permitted by Schedule 2, Part 1, Class E of Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.

Case Officer: Louise Prew Date: 19/06/2025

Authorised by: Jo Morin Date: 19.06.2025