Development Control – Delegated Officer Report

Application Number: AWDM/1506/13 **Recommendation –**

Site: **297 Upper Shoreham Road Shoreham-By-Sea West Sussex BN43 5QA**

Proposal: **Application for a Certificate of Lawfulness for a proposed detached hydrotherapy pool building in rear garden**

Date of site visit: 10.12.13.

Neighbours checked: N/A

Additional neighbour notifications: N/A

Proposal, Site and Surroundings

The application is to determine whether a planning application is required for the proposal for an outbuilding in the rear garden of this dwelling. The application relates to a detached house located on the south side of the street. The dwelling has previously been extended and has a large rear garden.

The proposed building would be 10.45m wide, by 7.6m in depth, with a maximum eaves height of 2.5m and a maximum ridge height of 4m.
It would be used for purposes ancillary to the enjoyment of the dwelling and contain a hydrotherapy pool.

Relevant Planning Legislation

Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 or GPDO. Schedule 2 Part 1 Development within the curtilage of a dwellinghouse.

Part 1
Class E:- The provision within the curtilage of the dwellinghouse of any building or enclosure.

Planning Assessment
The proposals are clearly 'development' as defined by section 55 of the T&CP Act 1990.

The relevant Class E of Part 1 of Schedule 2 to Article 3 of the Town & Country Planning (General Permitted Development) Order 1995 (as amended in 2008) confers permission (termed 'permitted development') for such enlargements and alterations. It contains a number of limitations:-

Class E.1

(a) At least 50% of the site must remain.

The original house covered a footprint of 80m². the area of the plot is 743m². The overall area covered by side and rear extensions together with the extension approved under AWDM/1077/12 total 199m². The area of ground covered by the proposed outbuilding will be 72m². Therefore the area that will be covered by buildings apart from the area of the original house will equate to 41%. This is below 50% of the plot.

(b) Any part of building would be forward of a wall forming the principle elevation of the original dwellinghouse.

The proposal would be built wholly to the rear.

(c) The building would have more than one storey.

The building would be single-storey only.

(d) The height of the building would exceed -

(i) 4m with a dual pitch roof. Or
(ii) 2.5m in the case of a building within 2m of the boundary.
(iii) 3m in any other case.

The building would be no more than 4m at the ridge and at least 2m from the boundary.

(e) The height of the eaves would exceed 2.5m.

The outbuilding would be 2.5m at the eaves.

(f) The building would be within the grounds of a listed building.

The host building is not a Listed Building

(g) It would consist the constriction of a veranda, balcony or raised platform. N/A

(h) It relates to a dwelling or microwave antenna. N/A

(i) The capacity of the container would exceed 3,500 litres. N/A

Class E.2 Within the curtilage of a dwellinghouse which is within (a) a World Heritage Site, (b) a National Park, (c) an AONB, or (d) the Broads. N/A

Recommendation

That a Certificate of Lawfulness is issued.

Description: Application for Certificate of Lawfulness for the erection of an outbuilding as pursuant to the application.

Land at: 297 Upper Shoreham Road, Shoreham, West Sussex BN43 5QA

The proposal constitutes ‘permitted development’ under Class E of Part 1 of Schedule 2 to Article 3 of the Town & Country Planning (General Permitted Development) Order 1995 (as amended in 2008).

Case Officer: L Simmons Date: 09.01.14

Authorised by: Jo Morin Date: 16.01.2014