Expiry Date – 20/9

Development Control – Delegated Officer Report

Application Number: AWDM/1066/18 **Recommendation – Issue Certificate**

Site: **139 Upper Shoreham Road, Shoreham**

Proposal: **Lawful Development Certificate for existing detached garage at end of rear garden.**

Neighbours checked: n/a

Additional neighbour notifications: n/a

Date of Site Visit: 13/9

Site and Surroundings

The site is on the southern side of Upper Shoreham Road and forms a two storey semi-detached property which has been extended with a single storey extension to the rear. This side of the road comprises pairs of brick built two storey dwellings of similar design and appearance. The site is located adjacent to a 'D' classified slip road accessed from Upper Shoreham Road to the north and an 'E' classified highway and public footway located directly to the west.

This site is not in a conservation area and is not a listed building.

Proposal

A Certificate of Lawfulness is sought for the retention of the detached garage building at the end of the garden. Gates have been added to the fence adjoining the highway and hardstanding and parking is proposed in front of the garage. This is not part of the application.

Relevant Planning History

AWDM/0713/18 - First storey extension above existing single storey extension to rear (south). Granted 12.7.18

AWDM/0083/17 - Two storey extensions to south and west elevations. Granted 21.3.17

Consultations

None undertaken.

Representations

N/a

RELEVANT LEGISLATION:

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

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 M, N, P, PA or Q of Part 3 of this Schedule (changes of use);
(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);
(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;
(d) the building would have more than a single 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;
(f) the height of the eaves of the building would exceed 2.5 metres;
(g) the building, enclosure, pool or container would be situated within the curtilage of a listed building;
(h) it would include the construction or provision of a verandah, balcony or raised platform;
(i) it relates to a dwelling or a microwave antenna; or
(j) the capacity of the container would exceed 3,500 litres.

Interpretation of Cl
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.

Assessment

This single family house was purpose built in the 1950’s. The garage has been built at the end of the rear garden and not forward of the principal elevation. It does not result in more than 50% of the curtilage being covered. It is within 2 metres of boundaries but is

not more than 2.5 metres high. The application form states that it is to be used for purposes ancillary to the dwellinghouse use.

Recommendation ISSUE CERTIFICATE subject to the following conditions:

1. The garage as built constitutes 'development' as defined by Section 55 of the Act and is 'permitted development' under Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

Case Officer signed: MOK Date: 13.9.18

Authorised and signed by: Peter Barnett Date: 13 September 2018