Expiry Date – 19/12

Development Control – Delegated Officer Report

Application Number: AWDM/1347/13 **Recommendation – Issue Certificate**

Site: 36 Eastbank, Southwick

Proposal: **Certificate of lawful development for proposed detached double garage in rear garden (existing garage removed).**

Neighbours checked: n/a

Additional neighbour notifications: n/a

Proposal, Site and Surroundings

This application relates to the site of a semi detached bungalow at the east end of Eastbank, a cul de sac off Downsway. As built the bungalow has a shared drive to its south side with a semi detached garage set back from the frontage. The other garage belongs to the adjoining bungalow at No 19.

The site is not in a conservation area and is not a listed building. There are no protected trees on the site. It is a single family dwellinghouse.

Relevant Planning History

AWDM/1247/12 - Retention of detached rear garden building in north east corner (revised proposal showing one window removed, another obscurely glazed and the partially constructed raised deck removed) Granted 30.3.12

ADC/0220/09 - L oft conversion with part-hipped/gabled rear roof extension over existing flat roof, part front gable and side dormers. Granted 9.7.09

ADC/0102/09 - Loft conversion with gabled rear roof extension (with balcony) over existing flat roof, part front gable, and dormers at sides. Refused 24.4.09

ADC/0135/06 – single storey rear extension. Granted 18.7.06

Consultations

None undertaken.

Representations

None undertaken.

Relevant Planning Policies and Guidance

The Town and Country Planning (General Permitted Development) Order 1995 (as amended).

Planning Assessment

The determination of applications for Certificates of Lawfulness is restricted to consideration of the lawfulness of the proposal. Under Class E of The Town and Country Planning (General Permitted Development) Order 1995 (as amended) planning permission is not required for the erection of outbuildings in the garden of a dwellinghouse subject to limitation as follows:

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) 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);
(b) 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;
(c) the building would have more than one storey;
(d) 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;
(e) the height of the eaves of the building would exceed 2.5 metres;
(f) the building, enclosure, pool or container would be situated within the curtilage of a listed building;
(g) it would include the construction or provision of a veranda, balcony or raised platform;
(h) it relates to a dwelling or a microwave antenna; or
(i) the capacity of the container would exceed 3,500 litres.

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.

The site has an area of just over 600 square metres. The applicant has confirmed that the existing garage is to be demolished and two existing sheds behind it on the eastern boundary of the site in the position of the proposed garage are also to be removed from site prior to the erection of the new garage.

The house itself covers 92 sqm of land. A rear extension has been added with a floor area of 28.8 square metres.

A garden building in the north east corner of the rear garden added approximately three years ago has a footprint of 42 square metres.

There is a wooden shed on the north side of the rear extension with a floor area of 9.18 sq metres. A Hot tub covering 4.6 sqm, two small brown sheds (0.9 x 1.15 x 2) covering 2.07 square metres and a pitched roof shed occupying 1.62 square metres are also to remain on site. The garage to be built has a footprint of 51.6 square metres.

Total ground area covered by house, outbuildings to be retained and proposed garage = 231.87 square metres. This is less than 50% of the overall ground area of the site.

The garage to be erected is in the rear garden and is single storey in height. It is within 2 metres of the boundary and is proposed with a flat roof with a maximum height of 2.5 metres. It does not include the construction or provision of a veranda, balcony or raised platform.

Recommendation

1. **Issue certificate.** The development as depicted in drawings 1945.1, Block Plan No: 1945.2 and the site location plan No: 1882/3 all received 24.10.13. is lawful as it complies with the requirements of Class E, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).

2. This certificate relates only to the proposed replacement garage depicted in drawings 1945.1, Block Plan No: 1945.2 and the site location plan No: 1882/3 all received 24.10.13.
3. The new garage shall not be constructed until the existing semi detached garage has been demolished and removed from site together with the two sheds on the eastern boundary of the site (on the site of the new garage) have also been demolished and removed from site.

Is recommendation contrary to any representations? N

Case Officer signed:	MOK	Date: 19.12.13
Authorised and signed by:	PD	Date: 19.12.13