Expiry Date - 01/01/2024

Development Control – Delegated Officer Report

Application Number: AWDM/1512/23 Recommendation – REFUSE

Site: 42 Boxgrove Worthing West Sussex BN12 6AR

Proposal: Application for Certificate of Lawfulness for proposed Porch

Site visit: N

Proposal, Site and Surroundings

The property is situated on a corner plot on the north side of Boxgrove and west side of Ditchling Close. The front entrance door is situated off Boxgrove. The property two storey detached property. The site is built under the Goring Green Wimpey Development under WB/0673/69 where there is a restrictive condition relating to "no structure of any description…… shall be erected or placed in front of the building line…"

The property is built in brick with a tiled roof and some tiling hanging details at first floor. .

The site is not within Conservation Area and the building is not Listed.

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

Consideration

Schedule 2, Part 1, Development within the curtilage of a dwellinghouse Permitted Development

<u>Class D – Eerection or construction of a porch outside any external door of a dwellinghouse</u>

D.1 Development is not permitted by Class D if:-

a) The dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q.

Analysis: The dwellinghouse has not been created through change of use by virtue of Part 3.

b) the ground area (measured externally) of the structure would exceed 3 sqm.

Analysis: The ground area of the structure does not exceed 3 sqm.

c) any part of the structure would be more than 3m above ground level;

Analysis: No part of the structure would be more than 3m above ground level.

d) any part of the structure would be within 2m of any boundary of the curtilage of the dwelling with a highway.

Analysis: No part of the structure would be within 2m of any boundary of the curtilage of the dwelling with a highway.

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

Analysis: The dwellinghouse has not been created by virtue of Part 20.

Recommendation

Refuse Certificate of Lawfulness for Proposed Development,

Reasons for Recommendation

The proposal constitutes 'development' as defined in Section 55 of the Town and Country Planning Act 1990, but is not permitted under the provisions of Part 1, Schedule 2 of Town and Country Planning (General Permitted Development) (England) Order 2015 because of the restrictive condition No. 5 placed on WB/0673/69 which states "Notwithstanding anything to the contrary contained in the Town and County Planning General Development Order 1963, no shed, greenhouse, outbuilding, or structure of any description, nor any gate, wall, fence, or any other means of enclosure except the screen walls or fences hereby approved, shall be erected or placed in front of the building line or within the area between the building and the highway except with the prior permission of the Local Planning Authority."

Case Officer: Elaine Rousseau Date: 20/12/2023

Authorised by: Jo Morin Date: 20.12.2023