Development Management – Delegated Officer Report

Application Number: AWDM/1703/20 **Recommendation – APPROVE**

Site: **2 The Close, Shoreham-By-Sea**

Proposal: **Application for Certificate of Lawfulness for proposed outbuilding in rear garden for use as garden activity/craft room and store.**

Site visit: N

Proposal, Site and Surroundings

The application property is a semi detached bungalow with front driveway and detached garage set back to the side/rear. The property is at the entrance to The Close a cul de sac of properties of various style and scale.

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

A single storey flat roof building is proposed to the rear of the bungalow. The existing detached garage is to be demolished and an 'L' shape building is proposed along the east and south boundaries. The building is shown to include an arts and crafts room, garden activity room and W/C, store. The building proposed is incidental to the enjoyment of the occupiers of the main dwelling, 2 The Close. It is not intended for business or any other use. The building does not contain a bath or shower room or kitchen facilities that would allow for any self contained use. The building constitutes permitted development provided that it is used as such and the following apply as shown on the submitted drawings.

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

Class E – buildings etc. INCIDENTAL to the enjoyment of a dwellinghouse.

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 the Schedule (changes of use);

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

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 total area of ground covered does not exceed 50% of the curtilage. Although the building is large, the existing garage is to be removed and some rear garden will remain along with the property frontage.

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 development would not be situated on land forward of the wall forming the principal elevation of the original dwellinghouse. The proposed out building is to the rear of the dwelling house.

d) the building would have more than a single storey.

Analysis: The development would not have more than 1 storey. A single storey flat roof building is proposed.

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 proposed building is within 2m of the side and rear boundaries and is 2.5 metres in height.

g) the building, enclosure, pool or container would be situated within the curtilage of a listed building

Analysis: It 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: The building does have a patio proposed accessed from the new outbuilding. Steps are shown from the patio to the garden. The applicant's agent has confirmed that the patio is lower than the garden by approximately 295 mm. It is therefore not a raised platform.

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

Analysis: It does not relate to a dwelling or a microwave antenna

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

Analysis: N/A

E2 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 20metres from any wall of the dwellinghouse would exceed 10 square metres.

Analysis: None of the above apply in this case.

E3 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: This site is not within a Conservation Area and the proposed development is to the rear.

Recommendation

Issue a Certificate of Lawfulness for Proposed Development, the submission of a planning application for the works will not be required.

Reasons for Recommendation

The proposal constitutes 'development' as defined by Section 55 of the Town and Country Planning Act 1990, but is permitted by Class E of Part 1 Schedule 2 of Town and Country Planning (General Permitted Development) (England) Order 2015.

Case Officer: Hannah Barker Date: 17th November 2020

Authorised by: Peter Barnett Date: 17 November 2020