Expiry Date – 9/4, ppa to 20/4

Development Control – Delegated Officer Report

Application Number: AWDM/0217/21 **Recommendation – Issue Certificate**

Site: 43 Lynchmere Avenue, Lancing

Proposal: **Application for a Lawful Development Certificate for a Proposed extension of existing detached garage to form home office and store.**

Site and Surroundings

This application relates to an extended chalet bungalow on the west side of Lynchmere Avenue close to the junction with Fircroft Avenue. The property backs onto Upper Boundstone Lane which gives access to the local cemetery and garages in rear gardens.

The site is not in a conservation and is not listed.

Proposal

A Certificate of Lawfulness is sought to extend an existing garage to create a store and to convert the garage into a home office.

Relevant Planning History

AWDM/0057/16 - Single-storey side extension to south elevation. Granted

L/22/05 - First-floor rooms within new enlarged roof with higher ridge, rear part-hipped gable & north side dormer. Granted.

Planning Assessment

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

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);

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: Total ground coverage does not exceed 50% of the curtilage.

(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 is in the rear garden.

(d) the building would have more than a single storey;

Analysis: The building proposed is 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;

Analysis: The maximum height of the proposed building, which is within 2 metres of a boundary, is 2.5 metres.

(f) the height of the eaves of the building would exceed 2.5 metres;

Analysis: Eaves height is less than 2.5 metres.

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

Analysis: The host dwelling is not a listed building.

(h) it would include the construction or provision of a verandah, balcony or raised platform;

Analysis:

It does not include a verandah, balcony or raised platform.

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

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

or

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

Analysis: N/A

or

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

Analysis: The dwelling was not built under Part 20 of this Schedule.

E.2 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 20 metres from any wall of the dwellinghouse would exceed10 square metres.

Analysis: N/A

E.3 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: N/A

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.’

Analysis: The building is for incidental use, home office and garden store.

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 shown in drawing 01/21 and the Location Plan both received 12.2.21 and revised height details received 14.4.21 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 signed:	MOK	Date: 15.4.2021
Authorised and signed by:	Peter Barnett	Date: 19 April 2021