Development Management – Delegated Officer Report

Application Number: AWDM/1688/23 Recommendation: REFUSE Certificate

Site: 59 Warren Road, Worthing

Proposal: Application for a Lawful Development Certificate for single storey outbuildings to be used for ancillary residential purposes to numbers 51-59 Warren Road inclusive

Date of Site Visit: 10 January

Neighbours Checked: N/A

Additional neighbour notification: N/A

Proposal, Site and Surroundings:

This application seeks a Certificate of Lawful Use for a group of single storey outbuildings at the southern end of gardens serving a group of 5 dwellings granted permission in 2018. The outbuildings were under construction at the time of the site visit but had not been completed. The dwellings are completed and occupied. Permitted development rights were not removed for outbuildings.

Planning History:

AWDM/0326/18 - Outline planning permission with some matters reserved (landscaping) for 5no. part two and part three-storey houses with widened vehicular access and 7no. car parking spaces following demolition of existing dwelling - Approved

AWDM/1042/18 - Application for Approval of Reserved Matters following Outline planning permission (AWDM/0326/18 with some matters reserved (landscaping) for 5no. part two and part three-storey houses with widened vehicular access and 7no. car parking spaces following demolition of existing dwelling) for landscaping

AWDM/0315/20 - Variation of condition 1 (approved plans) of approved AWDM/0326/18: repositioning of approved gables and updated site access plan

Consultations:

None undertaken

Representations:

None received

Assessment

In terms of height, the land slightly slopes and at the highest point but at the highest point of the adjacent ground level, the height of the building is 2.35 metres (this has been measured separately by the Enforcement Officer and the case officer) and therefore complies with the height restriction of 2.5 metres for outbuildings within 2 metres of the boundary (as is the case here).

However, the outbuildings have been erected as a continuous block and it is understood that the area was fenced off from the residential gardens at the time of their construction. This resulted in a rather unusual situation that they were physically separate from the curtilages they were intended to serve. While connecting gates have been incorporated into the rear fences of the gardens to serve the outbuildings, nonetheless the nature of the continuous block means it does not in physical terms solely relate to each individual curtilage. It would in theory be possible for any of the owners of the respective properties to access any of the individual units within the outbuilding rather than the outbuilding being physically within each garden.

As a result, therefore, it is not considered that Class E permitted development applies in this instance and that planning permission is required for the building.

Recommendation

REFUSE Certificate for the following reason:

The outbuildings have been built as a single continuous block and are not located within any individual curtilage of a residential property. Accordingly, the building does not comprise permitted development as set out by Class E of Part 2 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended

Is recommendation contrary to letter(s) of representation? N

Case Officer:	Gary Peck	Date:	23 February 2024
Authorised by:	James Appleton	Date:	23 February 2024