Development Management - Delegated Officer Report

Application Number: AWDM/2021/21 Recommendation – REFUSE

Site: 68 Slonk Hill Road, Shoreham-by-Sea, BN43 6HY

Proposal: Application for Certificate of Lawfulness for proposed home office in rear garden with raised deck

Date of site visit: Assessment has also been assisted using the Applicants plan; Earthlight mapping; and Google 3D of the site

Neighbours checked: Y

Additional neighbour notifications: N

Site and Surroundings:

No. 68 Slonk Hill Road is a linked bungalow, and is positioned on rising land. The rear garden continues to rise, and because of the rise, the garden has a level patio directly to the rear of the bungalow, and then it has been tiered into sections to accommodate the change in height of the garden proper; it has steps leading up to each of the tiered sections of the garden. The top of the garden at the back is much higher than the dwelling.

The rear garden measures approx. 22m from the rear of the dwelling (21m from the rear of the garage).

This north side of the road that accommodates the application site, backs onto a treed landscape buffer next to the A27 Shoreham-bypass trunk road, which lies to the north of the site. The street comprises predominantly detached bungalows.

The site is not within a Conservation Area and is not a Listed Building

Proposal:

A Certificate of Lawfulness is sought for proposed single storey detached building within the rear garden to accommodate a home office.

- The structure will measure some 3.2m deep (excluding the roof overhang at the front which would be a further 500mm) x 6.2m wide x 2.4m high at the rear and 2.7m high at its front;
- Decking to the front of the building to be 2m deep;
- The maximum height of the decking will be 300mm;

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 as amended

Consideration

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

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: The total area covered by buildings etc. would not exceed 50% of the total area of the curtilage etc.

(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 home office would be situated within the rear garden and therefore is not forward of the principal elevation etc.

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

Analysis: The home office would be 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 home office building will be within 2m of each of the side boundaries, and is shown as being 2.4m in height at its rear and 2.7m at its front. It therefore does not comply with (ii) above.

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

Analysis: The eaves would exceed 2.5m in height at the front of the home office

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

Analysis: The buildings will not be within the curtilage of a listed building

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

Analysis: It would provide a raised deck but at less than 0.3m in height and therefore it is considered to be permitted. The Technical Guidance for Householders states:

"*A raised platform is defined in the 'General Issues' section of this document, as any platform that has a height of more than 0.3 metres (see page 6). Garden decking will therefore be permitted development under Class E subject to it not exceeding this 0.3m height limit and subject to the other limits and conditions under this Class*"

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

Analysis: None of the above

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

Analysis: Does not apply

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) 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 exceed 10 square metres.

Analysis: None of the above apply

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: The site is not within article 2(3) land

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.

Interpretation of Part 1

I. For the purposes of Part 1—

"highway" includes an unadopted street or a private way;
"raised" in relation to a platform means a platform with a height greater than 0.3 metres; and
"terrace house" means a dwellinghouse situated in a row of 3 or more dwellinghouses used or designed for use as single dwellings, where—
(a) it shares a party wall with, or has a main wall adjoining the main wall of, the dwellinghouse on either side; or (b) if it is at the end of a row, it shares a party wall with or has a main wall adjoining the main wall of a dwellinghouse which fulfils the requirements of paragraph (a); and "unadopted street" means a street not being a highway maintainable at the public expense within the meaning of the Highways Act 1980.

Recommendation

Do not issue a Certificate of Lawfulness as the proposal is not permitted development.

Reason for Recommendation

The proposal constitutes ‘development’ as defined by Section 55 of the Town and Country Planning Act 1990, but is not permitted by Class E (e ii) and (f), Part 1, Schedule 2 of Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.

Case Officer:	Eve Hearsey	Date: 3/2/2022
Authorised by:	Peter Barnett	Date: 3 February 2022