Development Control – Delegated Officer Report

Application Number: AWDM/1292/19 Recommendation – Approve

Site: 187 Manor Hall Road, Southwick

Proposal: Application for Certificate of Lawfulness for proposed outbuilding to rear of property to be used as a garage, sunroom and storage area (existing garage removed)

Site visit: N

Proposal, Site and Surroundings

This application seeks a Lawful Development Certificate for a proposed detached outbuilding at the north end of the rear garden of 187 Manor Hall Road, a terraced dwelling.

The outbuilding will replace an existing detached garage in a similar position and will measure 5.3m by 9.2m and 2.5m high. It is flat roofed and will be grey rendered to match the house. A decked area less than 300mm in height is proposed to the front and side of the outbuilding.

The plans show a garage in the north part of the building with a sun room at the south end, indicated as to be used as a conservatory and for storage for the existing home owners. A WC is also shown.

The building will have an area of approximately 50m2.

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 Permitted Development

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

The building is to be used for purposes incidental to the enjoyment of the dwelling house as it is to be used as a garage and sun room. At 50m2 it is of a size sufficient to be considered as incidental, particularly as it is partly replacing existing garage facilities (approx. 15m2).

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 (the plans indicate that the total covered area is around 43%).

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 a wall forming the principal elevation of the original dwellinghouse.

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

Analysis: The development would not have more than 1 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 building would be 2.5m high within 2m of the boundary

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: It does include the construction or provision of a raised platform. However, for the purposes of Part 1 “raised” means a platform with a height greater than 0.3m. The proposed decking will not exceed 0.3m in height.

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: The site is not within any of the above

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

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, as amended.

Case Officer: Peter Barnett Date: 6 September 2019

Authorised by: Gary Peck Date: 6 September 2019