Development Management - Delegated Officer Report

Application Number: AWDM/0348/24 Recommendation – APPROVE

Site: 121 The Crescent, Southwick, BN42 4LH

Proposal: Application for a Lawful Development Certificate for proposed demolition of existing storage and erection of single storey outbuilding and associated works (part retrospective).

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:

The property is a semi-detached former bungalow situated on the north side of The Crescent, and has an existing front and rear dormer, plus a rear full width single storey rear extension. There is a hipped roof detached garage to the rear of the dwelling, close to the side boundary with no. 123.

The property is not Listed Building, nor is it within a Conservation Area. There do not appear to be any restrictive conditions on the original permission for the property.

Relevant Planning History:

SW/228/78 Extension to rear – dining room and utility room.
Approved 13.02.1979

Proposal:

A Certificate of Lawfulness is sought to provide an out building in the rear garden.

- The out building will be 3.39m wide x 8.650m long x 2.5m high;
- The out building will contain a bedroom, a separate shower room, and a storage section

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 G, M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use);

Analysis: This is not the case for this property.

(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 50% will not be exceeded.

(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 new building will be within the rear garden, therefore the above does not apply.

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

Analysis: The building will 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 building is within 2 metres of a boundary; and has a flat roof to a height, shown on the plans, as 2.5m. It will thereby comply with the above requirements.

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

Analysis: The eaves will not exceed 2.5metres.

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

Analysis: The site 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: None of the above are shown on the plans.

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

Analysis: None are shown on the plans.

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

Analysis: No liquid capacity.

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

Analysis: The above 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) 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 exceed 10 square metres.

Analysis: The site is not within any of the above list.

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.

Analysis: The building is shown with a bedroom and shower room but no kitchen or living room. It is not self contained and would therefore be reliant on the main house for cooking meals. Consequently, its use can be said to be for purposes incidental to the enjoyment of the main dwelling.

Recommendation

Issue a Certificate of Lawfulness as the proposal is permitted development under Class E, within Schedule 2, Part 1, of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.

Reason for Recommendation

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

Case Officer: Eve Hearsey Date: 08.05.2024

Authorised by: Peter Barnett Date: 8 May 2024