Development Control – Delegated Officer Report

Application Number: ADC/0312/09 Recommendation - APPROVE

Site: 53 Park Avenue, Shoreham-by-Sea BN43 6PG

Proposal: Application for certificate of lawfulness for proposed detached garage on north side of bungalow using existing access

The Application

This application is to determine whether a planning application is required for the proposed erection of a detached double garage on the north side of a previous north side extension to this semi-detached bungalow. The property is situated on the corner of the junction with Upper Shoreham Road and has an existing vehicular access to that road (SU/69/94/TP).

The proposed garage would measure 5.7m long and between 4.5m & 4.8m wide and it would have a false pitched roof with a maximum height above ground level of 2.5m (dimensions stated on the application plan). It would be 0.7m from the rear (west boundary) and 0.7m from the roadside (north) boundary.

The application is for a revised proposal following the refusal to issue a certificate for an attached garage (ADC/0151/09).

Assessment

The proposal is clearly 'development' as defined by section 55 of the T&CP Act 1990.

As the garage is now to be detached from the dwelling it constitutes 'the provision within the curtilage of the dwellinghouse of any building required for a purpose incidental to the enjoyment of the dwellinghouse as such' under Class E of Part 1 of Schedule 2 to the Town & Country Planning (General Permitted Development) Order 1995 (as amended in 2008). This confers permission (termed 'permitted development') for such buildings but it contains some limitations:-

(a) Ground coverage (excluding original dwelling) not to exceed 50% of curtilage – the proposal meets this requirement.
(b) Must not be on land forward of a wall forming the principal elevation of the original dwelling – the proposal meets this requirement as it is only forward of the side elevation, not the principal elevation (facing Park Avenue).
(c) N/A (as only single storey).
(d) Must not exceed 2.5 metres in height if it is within 2m of the site boundaries – the proposal just meets this requirement.

(e) Eaves must not exceed 2.5m high – it meets this requirement.
(f) N/A (as not a listed building).
(g) N/A (as it does not include a veranda, balcony or raised platform)
(h) N/A (as it is not a dwelling or an antenna)
(i) N/A (as it is not a container).

It is not Article 1(5) land (ie. not in a Conservation Area)

In conclusion, this revised detached proposal is 'permitted development' because it is not forward of the principal elevation of the dwelling and its height does not exceed 2.5m. It, therefore, does not require an application for planning permission.

Recommendation

That a Certificate of Lawfulness be issued that an application for planning permission is not required.

Description: Proposed detached garage on north side of bungalow using existing access

Land at: 53 Park Avenue, Shoreham-by-Sea, shown outlined in red on the plan

Reason:- The proposed building works fall within the definition of 'development' as defined by section 55 of the Act. As the proposed garage is detached, it constitutes the provision within the curtilage of the dwellinghouse of a building required for a purpose incidental to the enjoyment of the dwellinghouse as such. It complies with the provisions of the relevant Class E of Part 1 of Schedule 2 to Article 3 of the Town & Country Planning (General Permitted Development) Order 1995 (as amended in 2008) provided its height does not exceed 2.5 metres as required by condition E.1 (d) (ii).
[NB. under Article 1 of the Order, any reference to the height of a building shall be construed as meaning its height measured from ground level (determined by the Courts to mean 'natural ground level') being the highest part of the natural surface immediately adjacent to the proposed building].

Case Officer... [redacted] Date.....