# Development Management – Delegated Officer Report

**Application Number: AWDM/0962/23 Recommendation: Issue Certificate**

**Site: 3 Coastguard Cottages, Old Fort Road, Shoreham-By-Sea, West Sussex**

**Proposal: Application for a Lawful Development Certificate for proposed creation of an enclosure / pergola under Class E of the GPDO**.

**Date of Site Visit: visited when considering previous applications.**

**Proposal, Site and Surroundings**

The application site is an unusual style property, partly two storey partly single storey with off street parking to the front. Amenity space is limited to the rear and there is space to the front and side enclosed by a low level wall and vegetation. The site is a corner plot facing onto a roundabout along Old Fort Road and The Burrells runs to the side of the site.

A previous application AWDM/1243/22 was refused and an appeal was dismissed. Consent was sought for a front porch, the existing two storey part of the building in the corner was to be increased in height with a new gable continuing to a first floor extension alongside to the west of existing. A single storey rear extension was to be rebuilt and in addition the side garden area was to be enclosed by 1.8 metre close boarded fencing. The appeal was dismissed only due to the close boarded fencing and a subsequent application was submitted AWDM/454/23 for approval of the other works.

The current application is for a Lawful Development Certificate for a proposed enclosure/pergola positioned to the side of the dwelling adjacent to The Burrells. The plans show this to be used as a shelter for a hot tub.

The site is not within a Conservation Area nor is it a Listed Building.

**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.

**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.**

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 agent has provided the following details: -
Total site area = 225m2
Total area of ground = 164.6m2
The proposed enclosure = 9m2
Therefore the coverage = 5.5%
Therefore within the 50% allowance.

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 the a wall forming the principal elevation of the original dwellinghouse. The agent has shown on the plan that the principal elevation faces south and officers are in agreement with this as the entrance door is on the south elevation and the property address and access is from Old Fort Road (to the south) not The Burrells (to the east). The side of the property where the enclosure is sited is not the principal elevation therefore and the building is not set forward of the line of the principal elevation.

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

**Analysis:** The development would not have more than 1 storey, it is 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 proposed building is within 2m of a boundary and will not exceed 2.5 metres in height.

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 an addition of a pergola with no verandah, balcony or raised platform.

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

The property is not within a World Heritage Site, National Park, an area of Outstanding Natural Beauty or the Broads or 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.

Case Officer: Hannah Barker Date: 25th July 2023

Authorised by: Peter Barnett Date: 25 July 2023