Development Management – Delegated Officer Report

Application Number: AWDM/0535/24 Recommendation: Issue Certificate

Site: 1 Weald Dyke Shoreham-By-Sea, West Sussex

Proposal: Application for Certificate of Lawfulness for proposed outbuildings in rear garden

Date of Site Visit: not visited, site visit when assessing previous planning application.

Neighbours Checked: Y

Additional neighbour notification: N

Proposal, Site and Surroundings

The application site is a detached chalet bungalow works have been recently carried out to the building with alterations and extensions. AWDM/0449/23, AWDM/0450/23 and AWDM/1461/23. It is located on Shoreham Beach on the west side of Weald Dyke.

Proposal

This application is for a Certificate of Lawfulness where the planning merits of the proposal are not a consideration in this instance. The assessment is whether the submission of a planning application is required in accordance with the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 1995 (as amended).

The proposed works include two outbuildings on the southern boundary in the rear garden. Both are flat roof and clad and are proposed to be a shed and a gym.

Relevant Legislation

The Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 1995 (as amended) Schedule 2, Part 1, Class E (the provision within the curtilage of the dwelling house of any building or enclosure).

Assessment

- Permission is required if permission to use the dwelling house 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)

This is not the case, the application site is a dwellinghouse.

- *No outbuilding on land forward of a wall forming the principal elevation.*

  The buildings are in the rear garden and would not be on land forward of a wall forming the principal elevation.

- *Outbuildings and garages to be single storey with maximum eaves height of 2.5 metres and maximum overall height of 4 metres with a dual pitched roof or 3 meres for any other roof. Maximum height of 2.5 metres in the case of a building, enclosure or container within two metres of a boundary of the curtilage of the dwellinghouse.*

  The buildings have a flat roof and a maximum height of 2.5 metres; they are adjacent to the southern boundary therefore within 2 metres of the boundary.

- *No verandas, balconies or raised platforms on outbuildings or sheds.*

  The buildings do not have verandas, balconies or raised platforms.

- *No more than half the area of land around the 'original house' would be covered by additions or other buildings.*

The proposed buildings and other outbuildings would not result in more than half the area of land around the 'original house' being covered by additions or other buildings.

- The site is not within a National Park, the Broads, Area of Outstanding Natural Beauty, Conservation Area and World Heritage Sites, nor is it a Listed Building therefore planning permission is not required for the outbuildings.

The buildings must be for ancillary use, incidental to the enjoyment of the occupiers of the dwellinghouse.

- The buildings will be for ancillary use only.

Recommendation

Issue Certificate of Lawfulness for Proposed Development.

Reasons for Recommendation

The proposed outbuildings in the rear garden shown on Drawing No. 2024/58 Proposed Details received 22nd April 2024 constitute 'development' as defined by Section 55 of the Town and Country Planning Act 1990, but are permitted by Class E, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (As Amended).

Case Officer: Hannah Barker Date: 30th April 2024

Authorised by: Peter Barnett Date: 30 April 2024