Development Management - Delegated Officer Report

Application Number: AWDM/0077/19 Recommendation – Approve

Site: **114 Downside, Shoreham-By-Sea**

Proposal: **Application for Certificate of Lawfulness for proposed outbuilding in rear garden for use as home office/leisure/storage area**

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 114 Downside, a semi-detached dwelling.

The outbuilding measures 8m by 4m and is 2.5m high. It is flat roofed and will be timber clad. An L-shaped decked area less than 300mm in height is proposed in front of the outbuilding.

The applicants have submitted a statement to confirm that the building is to be used as a home office and for the storage and playing of musical instruments. No sleeping accommodation is proposed.

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.

The building is to be used for purposes incidental to the enjoyment of the dwelling house as it is to be used as a home office, for storage and as a music room. At 32sqm it is of a size sufficient to be considered as incidental.

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.

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.

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 but it will not exceed 0.3m in height. Class E covers provision of a 'building' within the area around the house required for a purpose incidental to the enjoyment of the house but restricts the height of raised platforms. A 'Building' - includes any structure or erection – so Class E allows garden decking provided it is not more than 0.3 metres high.

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.

Case Officer: Peter Barnett Date: 5 February 2019

Authorised by: Gary Peck Date: 5 February 2019