

Recommendation Report for Lawful Development Certificate for a Proposed Use or Development

REF NO: K/11/20/CLP

LOCATION: 65 Golden Avenue
East Preston
BN16 1QU

PROPOSAL: Lawful development certificate for a proposed garden room outbuilding.

DESCRIPTION OF APPLICATION

Lawful development certificate for a proposed garden room outbuilding.

RELEVANT SITE HISTORY

REPRESENTATIONS

Representations Received:

CONSULTATIONS

Consultations Responses Received:

LEGISLATIVE BACKGROUND

Section 192(2) of the Town and Country Planning Act 1990 states:-

If, on an application under this section, the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect; and in any other case they shall refuse the application.

In this instance the proposed works will be assessed against the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2015 (as amended).

Class E - buildings etc incidental to the enjoyment of a dwellinghouse

Provided the proposed works satisfy the relevant criteria, and that no restrictive conditions to

development have been imposed on the site, the proposed works will constitute Permitted Development and would not require planning permission. If the works fail to accord with the criteria then planning permission will be required for them to take place.

CONCLUSION

GARDEN ROOM

The proposed garden room is considered to fall under Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015, which states

"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 or Q of Part 3 of this Schedule (changes of use);

(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);

(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;

(d) the building would have more than a 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;

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

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

(h) it would include the construction or provision of a verandah, balcony or raised platform;

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

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

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.

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.

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."

The proposed garden room will be situated 3.5m from the Northern boundary of the site and will be located behind the primary elevation of the dwellinghouse. The outbuilding will have a maximum height of 2.5m and will measure 7m in length and 4m in width.

The proposed garden room complies with the limitations of E.1 (a), (b), (c), (d), (e)(ii), (f), (g), (h), (i) and (j); E.2 and E.3 are not considered relevant to this proposal; and the outbuilding is also deemed to be in accordance with the limitations of E.4. Therefore, the proposed garden room is considered to benefit from 'permitted development' rights under Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) and as such does not require the submission of an application for planning permission.

RECOMMENDATION

PP NOT REQUIRED

The Arun District Council hereby certify that on the 6th April 2020 the development matter described in the First Schedule to this certificate in respect of the land specified in the Second Schedule to this certificate and edged in black on the plan attached to this certificate, would have been lawful within the meaning of section 192 of the Town & Country Planning Act 1990 for the following reasons:

- The proposed detached garden room is deemed to benefit from Permitted Development rights under Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 2015. Therefore, it is permitted development not requiring of planning permission.

FIRST SCHEDULE

Construction of a detached garden room, as shown on the approved drawings:

-Location plan, Block plan and proposed floor plans and elevations.

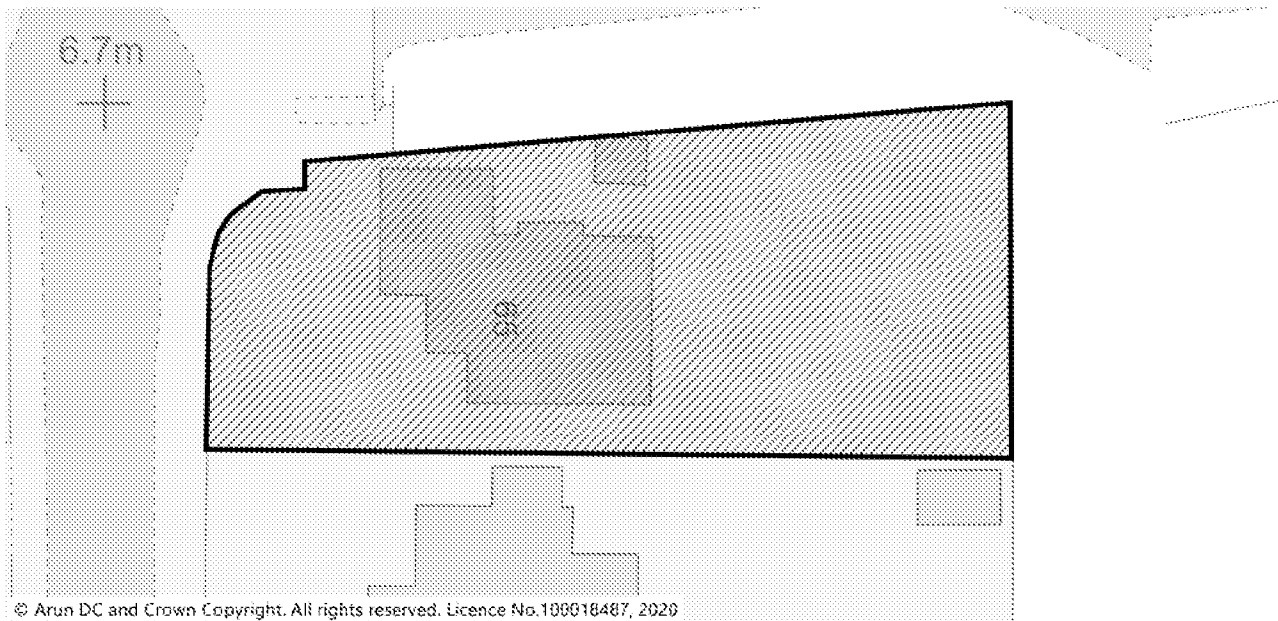
SECOND SCHEDULE

65 Golden Avenue East Preston

EXTENT OF USE

construction of a single storey Garden room

K/11/20/CLP - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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