

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

REF NO: LY/5/15/CLP

LOCATION: Almond Cottage
The Causeway
Arundel

PROPOSAL: Lawful development certificate for a proposed detached garden building in rear garden.

DESCRIPTION OF APPLICATION

It is proposed to carry out the following works:

1. Erect an outbuilding in the rear garden of this dwelling. This would measure 3m by 6m and have a convex roof. The 'eaves' would be 1.9m and the highest part of the roof would be 2.5m. The outbuilding would be located in the southern corner of the rear garden and approximately 0.5m from the side boundary and 1.0m to 1.15m from the rear boundary.

This proposed building includes within it at the front small decked area which the roof of the building overhangs. The use of the rear outbuilding is for ancillary purposes to the dwellinghouse as such.

There are not other development proposals at the site.

DESCRIPTION OF SITE AND SURROUNDINGS

The subject dwelling and curtilage are located to the rear of dwellings which front onto the Causeway and adjoin their rear gardens. The dwelling is orientated north south and its rear garden extends to the southeast. The subject dwelling is single storey with room(s) in the roof area.

RELEVANT SITE HISTORY

LY/20/13/CLP	Application for a Lawful Development Certificate for the proposed formation of front and rear dormers to existing roof, alteration of hipped to gable end on south elevation and general alterations and formation of front porch canopy on west elevation.	PP Not Required 06-01-2014
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Nnne.

REPRESENTATIONS

Representations received:

None.

Comments on Representations received:

N/A

CONSULTATIONS

Consultations responses received:

None.

Comments on Consultation responses:

N/A

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 criteria contained within The Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008, Part 1.

- Class E, which pertains the provision of buildings and other development on land surrounding the house (the "curtilage").

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.

CONCLUSIONS

There is no record of permitted development rights for extensions to dwellings having been removed or restricted.

The issue in this application is therefore whether the rear outbuilding proposed requires planning permission. The site is a dwelling and therefore benefits from 'Permitted Development Rights'. In order for planning permission not to be required, the formation of the car space must comply with the following:

Class E

This provides permitted development rights within the area surrounding a house ('the curtilage') for:

(a) any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure or

(b) a container used for domestic heating purposes for the storage of oil or liquid petroleum gas

Under Class E, the following limits and conditions apply:

E.1 Development is not permitted by Class E if -

- (a) 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)
- b) 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
- (c) the building would have more than one storey
- d) 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
- (e) the height of the eaves of the building would exceed 2.5 metres
- f) the building, enclosure, pool or container would be situated within the curtilage of a listed building
- (g) it would include the construction or provision of a veranda, balcony or raised platform
- h) it relates to a dwelling or a microwave antenna
- (i) 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) a World Heritage Site,
- (b) a National Park, ,
- (c) an area of outstanding natural beauty or
- (d) the Broads,

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 dimensions of the proposed rear outbuilding have been detailed in the Description of Application section of this report. The proposed rear outbuilding is within the limits set out in Class E as it:

1. Is for a purpose incidental to the enjoyment of the dwellinghouse as such.

2. The ground area covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) does not exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse).
3. Would not be situated on land forward of a wall forming the principal elevation of the original dwellinghouse.
4. Does not have more than one storey.
5. Since it does not have a ridged roof, does not exceed 3m in height.
6. The eaves do not exceed 2.5m.
7. Is not situated within the curtilage of a listed building.
8. Does not include the construction or provision of a veranda, balcony or raised platform.
9. Does not relate to a dwelling or a microwave antenna.
10. Is not a container.
11. Is not within -
 - (a) a World Heritage Site,
 - (b) a National Park, ,
 - (c) an area of outstanding natural beauty or
 - (d) the Broads
12. Is not on/within article 2(3) land.
13. Is incidental to the enjoyment of the dwellinghouse as such.

In this instance, the details of the rear outbuilding shown therefore meet the limitations imposed by Class E and also satisfy the conditions. Planning permission is not therefore required and the rear outbuilding is considered to be 'Permitted Development'.

RECOMMENDATION

PP NOT REQUIRED

The Arun District Council hereby certify that on 10 Jul 2015 the development 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, is lawful within the meaning of section 192 of the Town & Country Planning Act 1990 by reason of compliance with relevant criteria and conditions within Schedule 2 Part 1 Class E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).

FIRST SCHEDULE

The outbuilding in the rear garden of the dwelling. It will measure 3m by 6m and have a convex roof. The 'eaves' will be 1.9m and the highest part of the roof will be 2.5m. The outbuilding will be located in the southern corner of the rear garden and approximately 0.5m from the side boundary and approximately 0.5m to 1.0m from the rear boundary. The rear outbuilding building includes within it at the front small decked area which the roof of the building overhangs. The use of the rear outbuilding is for ancillary purposes to the dwellinghouse as such.

The development is for a rear outbuilding as detailed on the submitted drawings:

Site Layout Indicating Building Siting, Scale 1:200 - Received with Application.
Garden Plan Indicating Building Siting, Scale 1:200 - Received with Application.
Proposed Pod Building Drawing, Scale 1:100 & 1:20 - Received with Application.
Photographs of Pod Building - Received with Application.

SECOND SCHEDULE

The dwelling and dwelling curtilage known as Almond Cottage, The Causeway,
Arundel BN18 9JL



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