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Arun District Council
Arun Civic Centre
1 Maltravers Rd,
Littlehampton
BN17 5LF

21 August 2024
Ref: MS/Let/P2128

Dear Sir/ Madam,

Certificate of Lawful Development for an outbuilding to the rear of 37 Cove Road, Rustington, Littlehampton, BN16 2QN

We are contacting you on behalf of our client, Mr Scampion, to request a Certificate of Lawful Development for an outbuilding to be built at the rear of 37 Cove Road.

This application includes the following documents and drawings to accompany this request for a Certificate of Lawful Development:

- Plans Pack
- Cover Letter
- Application Form
- Accompanying Fee

The Site

The site at 37 Cove Road is located within the Built-up residential area of Rustington, Littlehampton. The site comprises a long plot of land, with a large, detached property fronting Cove Road. The detached property is setback from the road by approximately 20m.

The rear garden extends 48m in length and 16m in width, backing onto Chanctonbury Road, located to the east of the site, shown in Figure 1 below.

Several properties along Cove Road have existing, large, flat-roofed outbuildings to the rear of the gardens that are visible and accessible from Chanctonbury Road. An example of this is shown in Figure 2, while terraced properties face onto Chanctonbury Road from the eastern side.

The rear of 37 Cove Road represents an anomaly along the frontage of Chanctonbury Road, in which there is no access or existing built-form fronting the highway.

The site is located within Flood Zone 1 and therefore at very low risk of flooding. Poor quality trees are located within the rear garden of the site, forming a buffer with the Chanctonbury Road to the east.

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ARUN DISTRICT COUNCIL R/156/24/CLP

The site is located within a highly sustainable location, with a variety of local services and amenities within close proximity to the site at Rustington Village Centre. This centre is a 3 minute drive or 16 minute walk from the site, and bus stops are located at the junction of Harsford Road and Cove Road, less than a minutes' walk from the site.



Figure 1 - Site Location Plan



Figure 2 - Chanctonbury Road looking West towards the rear of properties along Cove Road

Planning History

A search of Arun District Council's online Planning Register has revealed the following relevant planning history relating to the site:

R/266/04/ - Extension to existing dormer – Approved 24 December 2004

R/103/23/HH - Single storey front extension to existing garage – Approved 19 July 2023

Proposal

This request for a Certificate of Lawful Development seeks written confirmation from Arun District Council in relation to the proposed development being compliant with Schedule 2, Part 1, Class E of the General Permitted Development Order (2015) (As Amended), to build an outbuilding to the rear of 37 Cove Road.

Schedule 2, Part 1, Class E – buildings etc incidental to the enjoyment of a dwellinghouse

Permitted development

E. The provision within the curtilage of the dwellinghouse of—

(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.

The application is requesting an Outbuilding that will be located in the curtilage of the dwellinghouse, located at the rear of 37 Cove Road's garden. The use of the outbuilding will be incidental to the enjoyment of the dwellinghouse for use as a garage and storage area.

Development not permitted

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 G, M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use);

The dwellinghouse at 37 Cove Road has not been granted only by virtue of Class G, M, MA, N, P, PA or Q of Part 3 of the GDPO.

(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);

The area of the whole Site (dwellinghouse and curtilage) is circa 1178sqm. The dwellinghouse has a footprint of circa 103sqm, resulting in a curtilage area of around 1075sqm. The proposed Outbuilding would only have a footprint of 165sqm, covering 15% of the total area of the curtilage, therefore would 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;

The proposed Outbuilding will be situated to the rear of 37 Cove Road and would not be situated forward of a principal elevation.

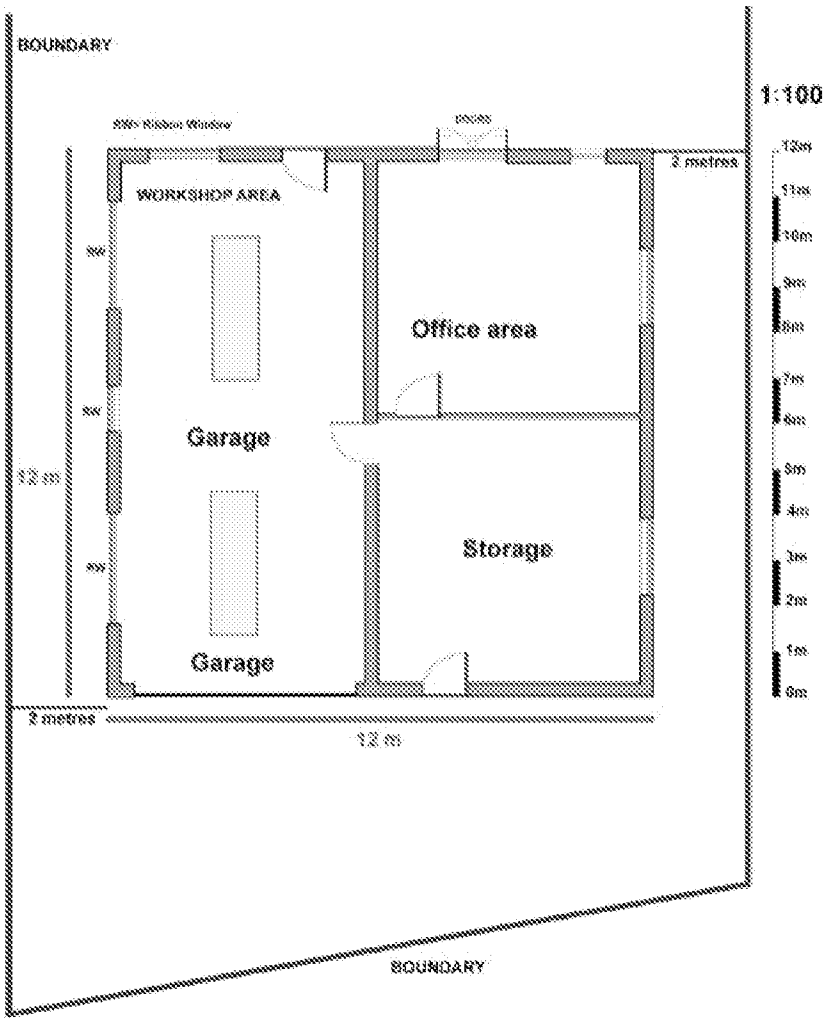

Figure 3 - The proposed position of the Outbuilding

(d) the building would have more than a single storey;

The proposed Outbuilding would be a single storey building with a flat roof.

(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;

With the Outbuilding would be 2 metres away from the boundary of the curtilage, as shown in Figure 3. The Outbuilding would measure 2.5 metres in height as shown in Figure 4.

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

Figure 4 shows how the eaves are less than 2.5 metres in height.

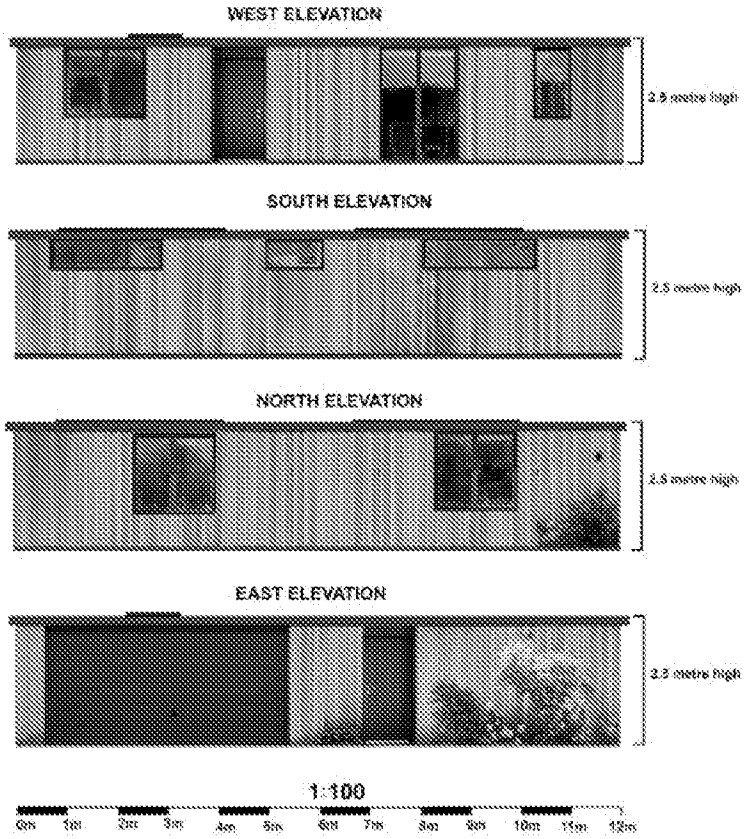

Figure 4 - Elevations of the Outbuilding

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

37 Cove Road is not a listed building.

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

The Outbuilding will have no verandahs, balconies or raised platforms as seen in Figures 3 and 4.

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

Not applicable for this development.

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

The requested development is an Outbuilding rather than a pool and therefore would not a form of container.

(k) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).

Not applicable for this development.

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.

The Site on Cove Road is not located in any of the following: an Area of Outstanding Natural Beauty, the Broads, a National Park nor a World Heritage Site.

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.

The Site on Cove Road is not located in any of the following: an Area of Outstanding Natural Beauty, the Broads, a National Park nor a World Heritage Site.

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 outbuilding will be used for personal enjoyment of the occupants of the dwellinghouse.

Summary

Overall, the proposed development seeks to enhance the lives of the current occupiers of 37 Cove Road. The Outbuilding would be used for the personal enjoyment of the occupants of the dwellinghouse in accordance with the General Permitted Development Order.

If you have any further queries or require further information, please contact me on [redacted]

Yours sincerely
ECE Planning

[redacted]

Chris Barker MATP MRTPI
Managing Director