
Application Reference: 2023/0393

Type: Lawful Development Certificate

Applicant: Mr D Chambers

Site Address: 15 Collier Way, Mapperwell, S75 6GJ

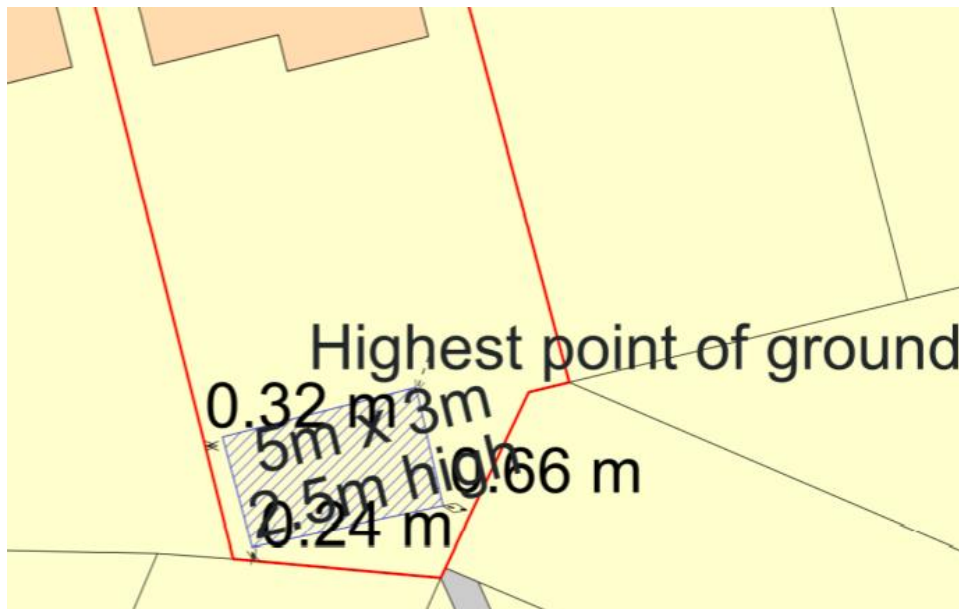
Proposal: Lawful Development Certificate for proposed detached garden room measuring 5m x 3m and no higher than 2.5m from highest part of ground to be used for leisure (gym/office)

Property Description

The dwelling is contemporary buff brick coloured detached dwelling with a double width driveway and an integrated garage. To the rear of the garden is an enclosed rear garden, bordered by several dwellings.

Proposed Development

A proposed site plan but no elevations have been provided for the proposal, which is for a 3m by 5m (15 sqm) garden room, located in the rear garden of the dwelling. As the proposal is within two meters of at multiple boundaries, the proposed maximum height is 2.5m.



Site & location plan No. TQRQM23109121919689 has been included with the application and all works relate to the dwelling at 15 Collier Way, Mapperwell, S75 6GJ

Section 192(1) of The Town and Country Planning Act 1990 provides that if any person wishes to ascertain whether any operations proposed to be carried out in, on, over or under land, would be lawful, may make an application for the purpose to the local planning authority specifying the land and describing the use or operations in question. Section 192(4) then provides that 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 shall refuse the application.

Planning History

2014/0452: Remediation and restoration of site (Full permission) and erection of up to 325 dwellings, associated infrastructure and open space (Outline with all Matters Reserved Except Access) - Approved Subject to Legal Agreement

2015/1015: Reserved matters planning application for the construction of infrastructure works comprising entrance feature, provision of substation, drainage works, including an attenuation pond, footbridges and other landscaping associated with outline planning – Approved with Conditions

Planning Context

Outbuildings such as the proposed garden room are allowed to be constructed within the curtilage of a dwellinghouse without obtaining planning consent, providing they meet the criteria set out in Class E, Part 1, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO).

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.

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);
- (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;
- (j) the capacity of the container would exceed 3,500 litres or
- (k) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).]

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.

Consultees

Legal – No Comment

Assessment

The proposed garden room, as described, would meet the requirements of Class E, Part 1, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) and as such would be considered as lawful development.

Recommendation

Approve with conditions