

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	LN	19/09/2019
Planning Development Manager authorisation:	IF	19/09/2019
Admin checks / despatch completed	SB	19/09/2019
Technician Final Checks/ Scanned / LC Notified / UU Emails:	YLL	19/09/19

Application: 19/01102/LUPROP **Town / Parish:** Clacton Non Parished

Applicant: Mr Kolja Strobl - KS Design

Address: 4 Dover Close Clacton On Sea Essex

Development: Erection of home garden office (outbuilding).

1. Town / Parish Council

Clacton Non Parished

2. Consultation Responses

N/A

3. Planning History

86/01521/OUT	Construction of mixed resort development to include museum complex, watersport facilities and car park, leisure related complex, sheltered housing apartments, holiday village flats and housing with ancillary shopping.	Approved	23.12.1986
87/00567/FUL	Construction of 133 houses, garages, parking spaces, estate roads and ancillary works (submission of part details under permission TEN/1521/86).	Approved	07.07.1987
19/01102/LUPROP	Erection of home garden office (outbuilding).	Current	
19/01282/FUL	Proposed infill of a two storey projection and change of material to the entire two storey projection.	Current	

4. Relevant Policies / Government Guidance

N/A

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The application site is located to the south of Dover Close, inside the development boundary of Clacton on Sea. It serves a detached two storey dwelling constructed predominantly of red brick and a tile roof, with a central projecting gable on the front elevation, an attached garage to the east and conservatory to the rear. The site has a small frontage with gravel and small trees planted either side of the pathway leading to the front door. The rear of the site is laid to lawn with a patio adjacent to the dwelling, a shed and fencing on the boundaries.

Proposal

The application seeks the issuing of a Lawful Development Certificate for the erection of detached home garden office outbuilding.

A lawful use certificate is 'a certificate issued by a local planning authority, on application, stating that an existing (LDC 191) or proposed use (LDC 192), or other forms of development, can be considered as lawful for planning purposes.'

The original application also sought approval for the infilling of the ground floor of the projecting front gable and exterior cladding of the entire front gable. Under consideration of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) this aspect of the development was not considered as permitted development. It was subsequently removed from this application and a new householder planning application has been submitted for these works under reference 19/01282/FUL.

Planning History

The dwelling, known as 4 Dover Close, Clacton on Sea, was constructed under planning reference TEN/1521/86 (outline) and TEN/567/87 (reserved matters). The original consent did not contain any conditions removing permitted development rights for outbuildings; therefore these rights remain intact.

Assessment

General Permitted Development Order

The purpose of this application is to establish whether the proposed development is permitted development. For the determination of the application reference needs to be made to the Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 1, Class E.

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

- 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.
- 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);

Not applicable.

- 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 total ground covered would not exceed 50% of the total area 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 outbuilding is situated in the rear garden of the application site.

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

The proposed outbuilding is 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;

The outbuilding is located on the boundary with the neighbour to the east and south, but the height of the outbuilding does not exceed 2.5m.

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

The outbuilding has a flat roof with maximum height of 2.5m.

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

The property is not a listed building.

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

The design does not include a verandah, balcony or raised platform.

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

Not applicable.

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

Not applicable.

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 is not located within any of the areas mentioned at (a) - (d) above.

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 is not located within article 2(3) land.

Conclusion

The proposed detached home garden office outbuilding meets all of the relevant criteria as set out above and it must be concluded to be permitted development. The Lawful Development Certificate for the proposed development can therefore be issued.

6. Recommendation

Lawful Use Certificate Granted

7. Conditions

- 1 The proposed development, shown on Drawing Numbers 282.18/006, 282.19/011, 282.19/023, 282.19/025, 282.19/027 constitutes Permitted Development by virtue of the provisions of Schedule 2, Part 1 Class E of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended).

8. Informatives

N/A

Are there any letters to be sent to applicant / agent with the decision? If so please specify:		NO
Are there any third parties to be informed of the decision? If so, please specify:		NO