

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	JD	14/05/2020
Planning Development Manager authorisation:	TF	14/05/2020
Admin checks / despatch completed	CC	14/05/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	PW	14/05/20

Application: 20/00434/LUPROP **Town / Parish:** Frinton & Walton Town Council

Applicant: Mr Scott Robertson

Address: 3 Cliff Way Frinton On Sea Essex

Development: Proposed 12m x 6m garden room for incidental use to the enjoyment of the dwelling house.

1. Town / Parish Council

Not applicable.

2. Responses

Occupier of 1 Cliff Way Proposal is on land part of 1 Cliff Way
Proposal is in a Conservation Area

Occupier of Flat 1, 2 Pole Barn Way I have not been notified of any proposal by yourselves.
This has been brought to my attention by concerned neighbours
I strongly object to such development.
It is the first step toward a backland development as you no doubt suspect being hidden by its "garden room" description.
It will have a detrimental effect on my own property and others for all reasons of 'over development' due to its size and height together with the alarm bell of having adequate sewerage dug to provide a "garden room" with WC facilities. No doubt that central heating, double glazing and full bathroom suite will creep under the radar.
I strongly object to this proposed development.

Occupier of 3 Waltham Way This application has been brought to our attention - we have not received any communication from the Council regarding this.
This proposed 'garden room' would run almost the full width at the bottom of our garden and with a height of 4 metres would be completely overwhelming. At 12 metres x 6 metres we are extremely concerned that this proposed 'garden room' lends itself more to an additional dwelling or a function/party venue which would cause considerable noise nuisance and be completely inappropriate here.
We do not envisage that a building of this size to include a toilet could be regarded as a 'garden room'.
We very strongly object to this proposed development in the garden of this property.

3. Planning History

19/01780/FUL	Alterations and extensions to existing dwelling.	Approved	31.01.2020
20/00434/LUPRO P	Proposed 12m x 6m garden room for incidental use to the enjoyment of the dwelling house.	Current	

4. Relevant Policies / Government Guidance

The Town and Country Planning (General Permitted Development) (England) Order 2015

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The site is the curtilage of a detached house on the landward side of Cliff Way, Frinton-on-Sea.

The property was vacant at the time of the site visit but it could be seen to be a typical house, a dwellinghouse. The rear garden, though becoming somewhat unkempt, was unremarkable except for its somewhat unusual shape. The area to the rear of the house was bounded by screen fencing and other boundary treatment such that the rear garden, the curtilage of the dwellinghouse, could easily be made out. Photographs were taken at the site visit.

Description of Proposal

The application seeks the issuing of a Lawful Development Certificate for "Proposed 12m x 6m garden room for incidental use to the enjoyment of the dwelling house."

The application documentation includes a site location plan; existing and proposed block plans; and, plans and elevations. The plans show a detached outbuilding with a dummy flat roof. The documentation describes the structure as a garden room and a floor plan refers to the building being used as a flexible gymnasium area (incidental to the use of the home).

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.'

Planning History

There is no planning permission with a condition removing any Permitted Development right.

Assessment

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.

The site visit has established that the proposed building would be within the curtilage of the dwellinghouse at 3 Cliff Way.

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 by the proposed outbuilding and an existing outbuilding to the north of the house 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;

This would not be the case.

(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 proposed building would have a dual-pitched roof for the purposes of E.1, (e), (i). The roof would consist of more than a single pitched element and the dummy hipped roof should be considered in the same way as a true hipped roof. Permitted development rights for householders - Technical Guidance (September 2019, Ministry of Housing, Communities and Local Government) refers to how a hipped roof, with slopes on all four sides, is interpreted as a dual-pitched roof at page 43. Accordingly a roof with slopes on all four sides and a flat top is a dual-pitch roof for the purposes of E.1, (e), (i).

The outbuilding would be at least 2m from any boundary.

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

The outbuilding would have a height to the eaves of 2.3m.

(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.

Article 2(3) land includes land in a Conservation Area. The boundary to the Frinton and Walton Conservation Area goes along the eastern side boundary of the property and the southern, the front, boundary of the property but the property is outside the Conservation Area. The Frinton and Walton Conservation Area map (south sheet) as designated in 1982 and extended in 1989 and 1992 shows the site is outside the Conservation Area.

Conclusion

The proposed development 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

Permitted Development.

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