

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Planning Officer recommendation:	ER	10/04/2024
Team Leader authorisation / sign off:	ML	10/04/2024
Assistant Planner final checks and despatch:	ER	11/04/2024

Application: 24/00292/LUPROP **Town / Parish:** Harwich Town Council

Applicant: Mr and Mrs Lee Grubb

Address: 49 Highfield Avenue Dovercourt Harwich

Development: Application for Lawful Development Certificate for Proposed Use or Development for proposed detached games room.

1. Town / Parish Council

Not required for this application type.

2. Consultation Responses

Not required for this application type.

3. Planning History

HAR/34/65	Proposed secondary access	Approved	
07/00210/FUL	Two storey and single storey side and rear extensions	Approved	04.04.2007
24/00292/LUPROP	Application for Lawful Development Certificate for Proposed Use or Development for proposed detached games room.	Current	

6. Status of the Local Plan

Not applicable to this application.

7. Neighbourhood Plans

Not applicable to this application.

8. Relevant Policies / Government Guidance

Not applicable to this application.

9. Officer Appraisal

This certificate of lawful development seeks approval for proposed erection of outbuilding comprising of a games room.

The existing house was constructed under planning references HAR/34/65 which did not remove permitted development rights for outbuildings.

The proposal has been considered against Class E of the GPDO.

Class 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, PA or Q of Part 3 of this Schedule (changes of use);

Permission to use the dwellinghouse as a dwellinghouse has not been granted only by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (changes of use). The proposal complies.

- (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 area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) would not exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse). The proposal complies.

- (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;

No 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 proposal complies.

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

The building would not have more than a single storey. The proposal complies.

- (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 proposal will be sited more than 2m away from each boundary. The height of the building will be 3.9m. The proposal therefore complies.

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

The proposal complies.

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

The building, enclosure, pool or container would not be situated within the curtilage of a listed building. The proposal complies.

- (h) it would include the construction or provision of a verandah, balcony or raised platform; It would not include the construction or provision of a verandah, balcony or raised platform.

The proposal complies.

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

It does not relate to a dwelling or a microwave antenna. The proposal complies.

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

Not applicable

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

The dwellinghouse is not built under Part 20 of this Schedule (construction of new dwellinghouses). The proposal complies.

- 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 curtilage of the dwellinghouse is not in any of the areas (a) to (d). The proposal complies.

- 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 curtilage is not article 2(3) land; no 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 proposal complies.

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 proposal complies.

The proposal meets the requirements of Class E with PD rights still intact meaning we are able to recommend that this certificate of lawfulness is granted.

10. Recommendation

Lawful Use Approved.

11. Conditions

The proposed development constitutes permitted development by virtue of the provisions of Schedule 2, Part 1, Class E of The Town and Country Planning (General Permitted Development) (England) Order 2015.

12. Informatives

Not required for this application.

13. Equality Impact Assessment

In making this recommendation/decision regard must be had to the public sector equality duty (PSED) under section 149 of the Equality Act 2010 (as amended). This means that the Council must have due regard to the need in discharging its functions that in summary include A) Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act; B. Advance equality of opportunity between people who share a protected characteristic* (See Table) and those who do not; C. Foster good relations between people who share a protected characteristic* and those who do not, including tackling prejudice and promoting understanding.

In the present context, it has been carefully evaluated that the recommendation articulated in this report and the consequent decision are not expected to disproportionately affect any protected characteristic* adversely. The PSED has been duly considered and given the necessary regard, as expounded below.

Protected Characteristics *	Analysis	Impact (As known with application)
Age	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Disability	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Gender Reassignment	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Marriage or Civil Partnership	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Pregnancy and Maternity	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Race (Including colour, nationality and ethnic or national origin)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sexual Orientation	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sex (gender)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Religion or Belief	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral