DELEGATED REPORT / CASE OFFICER'S ASSESSMENT

Ref No: ST/0355/22/CLP
Proposal: Application for a Lawful Development Certificate for a proposed detached garden room.
Location: Willowmere
16 North Avenue
South Shields
NE34 6BB

Site Visit Made: n/a

Relevant policies/SPDs

n/a

Description of the site and of the proposals

This application relates to a west facing detached dwellinghouse in South Shields which has a large rear garden

This application is for a lawful development certificate for a proposed detached building in the rear garden.

The submitted application form and plans state that the applicant considers that a Lawful Development Certificate should be granted as the proposed development would comply with the General Permitted Development Order.

Publicity / Consultations

n/a

Assessment

In assessing this application due regard has been had to the requirement of section 149 of the Equality Act 2010.

Section 192 (2) of the Town and Country Planning Act requires that, if on 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 they shall refuse the application.

In relation to buildings etc incidental to the enjoyment of a dwellinghouse, Schedule 2, Part 1 Class E of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2015 (GPDO) states that the provision within the curtilage of the dwellinghouse of 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 is permitted development.

However, 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);

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

The proposed development would comply with the criteria as set out above. As such the proposed development would be able to benefit from permitted development. It is therefore recommended that this lawful development certificate for proposed development be approved.

Recommendation

Grant Permission No Conditions

Informatives

1 In dealing with this application the Council has implemented the requirements of the National Planning Policy Framework to seek to approve applications for sustainable development where possible.

2 This decision relates to the following plans:
"New Garden Room - Site Plan" received 04/04/2022
"Garden Room" received 04/04/2022

3 The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

Case officer: Seán Gallagher
Signed:
Date: 18/05/2022

Authorised Signatory: Geoff Horsman
Date: 19/05/2022

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