

Objections to Certificate of Lawfulness Application 8 Kings Road APP/20/00635

We are concerned to see this application for a Certificate of Lawfulness for the proposed garden annex building of 8 Kings Road which was withdrawn from application APP/20/00377 following significant objections from many of the surrounding neighbours.

The only amendment to the proposed annex building displayed in this application would appear to be a reduction in its height to bring it in line with the Class E Permitted Development criteria for a building within 2m of the boundary; also its re-classification from an annex to an outbuilding.

However the 'Permitted Development Rights for Householders Technical Guidance' issued/updated in September 2019 by the Ministry of Housing, Communities and Local Government clearly states that buildings under Class E should be built for purposes incidental to the enjoyment of the main dwellinghouse and that "A purpose incidental to a house would not, however, cover normal residential uses, such as separate self-contained accommodation or the use of an outbuilding for primary living accommodation such as a bedroom, bathroom or kitchen."

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/830643/190910_Tech_Guide_for_publishing.pdf (Page 41)

The plans of application 20/00635 clearly demonstrate that the proposed outbuilding will provide separate self-contained accommodation – with bedroom, bathroom and kitchen – in contravention of the Permitted Development Technical Guidance; and its location towards the end of the garden with a separate south-facing garden not visible from or shared with the main house, and separate means of access via the path between 32b & 34 Kings Road infers its purpose to be for a stand-alone dwelling, not "required for a purpose incidental to the enjoyment of the dwellinghouse".

Given the above, we cannot see how a Certificate of Lawfulness can legally be granted within the criteria of Class E Permitted Development for this proposed garden annex building/outbuilding.

Notwithstanding the above, the proposed outbuilding does not resolve any of the objections raised by the neighbours in Planning Application APP/20/00377, namely:

- The size of the building, with its footprint on a par with the original terraced house, would be overbearing in such a narrow, landlocked plot
- Parking space, already difficult in Kings Road, would be exacerbated by the potential additional car(s) of the resident(s) of the garden building
- Access to the proposed garden building would be more readily gained via the path which runs at the rear of the terraced houses in Kings Road and since its entrance between 32b and 24 Kings Road is a considerable distance away from 8 Kings Road the owners of no. 8 would be removed/protected from any associated parking issues or noise disturbance
- As a stand-alone dwelling with private outdoor space the garden building would lend itself to being let commercially, e.g. as an Airbnb property, accessed via the rear path. This could adversely impact all the neighbouring terraced houses in the road as well as nos. 32b and 34 Kings Rd and nos. 28a & 30 Beach Rd. And since the outdoor area of the annex (with/without 'optional pergola') would be at the rear of four adjoining gardens (nos. 28a & 30 Beach Rd, nos. 10 and 34 Kings Road) those neighbours could all be subjected to unsociable noise and disturbance from regular and frequently changing overnight visitors.

Our objection to the proposed garden building therefore remains. We firmly oppose the application for a Certificate of Lawfulness for this building as it is not lawful within the criteria for Class E of Permitted Development.