

DELEGATED OFFICER REPORT

Site Address:	66 Rowan Road, Havant, PO9 2UX		
Proposal:	Certificate of lawfulness for the like-for-like replacement of existing windows.		
Application Type:	Certificate of Lawfulness		
Application No:	APP/25/00023	Expiry Date:	06/03/2025
Applicant:	The Guinness Partnership		
Agent:	Mr Geoghegan	Case Officer:	Denise Sheath
	Blakeney Leigh		
Ward:	St Faiths		

Recommendation: **GRANT A CERTIFICATE OF LAWFUL USE**

1 Site Description

66 Rowan Road, Havant, PO9 2UX

2 Planning History

None relevant

3 Proposal

Certificate of lawfulness for the like-for-like replacement of existing windows.

4 Policy Considerations

- 4.1 The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

5 Statutory and Non Statutory Consultations

Not required

6 Community Involvement

Not required for a Certificate of Lawful Proposed Use or Development.

7 Planning Considerations

- 7.1 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

(i) Whether the development would require planning permission

- 7.2 The proposal has been assessed against the 'permitted development' allowances in The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

- 7.3 The development has been assessed against Part 1 Class A.
- 7.4 Under Class A the replacement of windows with new windows on a 'like for like' basis meets the following tests:
- A.3(a)
The materials to be used in any exterior work (other than the materials to be used in the construction of a conservatory) shall be of similar appearance to those used in the construction of the exterior of the existing dwellinghouse. - The replacement windows to be installed will be of similar design and colour as the existing windows within the property and would therefore would not be harmful.
- 7.5 A search of the planning records has not revealed any relevant history nor is the dwelling part of an Article 4 direction.
- 7.6 It is therefore considered that the replacement windows would meet the requirements of Part 1 Class A.

8 Conclusion

- 8.1 The proposed development falls within permitted development regulations as set out in Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). Therefore, a Lawful Development Certificate can be issued.

9 RECOMMENDATION:

That the Head of Place be authorised to **GRANT A CERTIFICATE OF LAWFUL USE** for application APP/25/00023

FIRST SCHEDULE:

This certificate relates to the following development:

Certificate of lawfulness for the like-for-like replacement of existing windows, as described in the written particulars, plans and other documents submitted with your application received on 09 January 2025.

SECOND SCHEDULE:

This certificate relates to land at 66 Rowan Road, Havant, PO9 2UX as shown edged red on the submitted Location Plan received 09 January 2025.

OTHER IMPORTANT INFORMATION:

- (1) This Certificate is issued solely for the purpose of Sections 192 of the Town and Country Planning Act 1990 (as amended). It does not relate to any other application that may be required under any other part of the Town and Country Planning Act, the Building Regulations or under any other Act, Regulation, Byelaw or Order where the Council's approval may be needed. For further guidance as to the need for consent under the Building Regulations please phone 023 9244 6571.
- (2) It certifies that the development specified in the First Schedule taking place on land described in the Second Schedule would have been lawful within the meaning of section 192 of the Town and Country Planning Act 1990 (as amended) on the specified date and thus would not have been liable to enforcement action under part 7 of the 1990 Act on that date.
- (3) The certificate only applies to the extent of the development specified in the First Schedule taking place on land described in the Second Schedule and identified on the attached plan. Any development which is materially different from that described or which relates to other land may render the owner/occupier liable to enforcement action under section 172 of the 1990 Act.
- (4) The effect of the certificate is also qualified by the provision in section 192(4) of the 1990 Act (as amended), which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matter relevant to determining such lawfulness.
- (5) Your attention is drawn to the attached information regarding your right to appeal to the Department for Transport Local Government and the Regions, if you are aggrieved by the Council's decision.