
Site Address: 11 Bell Crescent, Waterloooville, PO7 7DG
Proposal: Application for Certificate of Lawfulness relating to proposed demolition of corrugated roof, single storey outbuilding to be replaced with single storey side extension to provide washroom and utility.
Application Type: Certificate of Lawfulness
Application No: APP/23/00701 Expiry Date: 04/10/2023
Applicant: Mr Reeve
Agent: Mr Marshall Case Officer: Denise Sheath
Ward: Stakes

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

1 Site Description

11 Bell Crescent, Waterloooville, PO7 7DG

2 Planning History

None relevant

3 Proposal

Application for Certificate of Lawfulness relating to proposed demolition of corrugated roof, single storey outbuilding to be replaced with single storey side extension to provide washroom and utility.

4 Legislation

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

5 Statutory and Non Statutory Consultations

Not required for the purposes of this application

6 Community Involvement

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 0

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received:

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) Principle of development

7.2 The proposed development is for a single storey side extension and as such falls to be considered against the Town and Country Planning (General Permitted Development) (England) Order 2015, Part 1- Development within the curtilage of a dwellinghouse, Class A- the enlargement, improvement or other alteration of a dwellinghouse.

7.3 The proposal has been considered against the restrictions for development provided by A.1, the response to which are detailed below:

(a) 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 the Town and Country Planning (General Permitted Development) (England) Order 2015 (changes of use)

(b) The proposed side extension will not result in over 50% of the total area of the curtilage being covered by buildings (excluding the original dwellinghouse)

(c) The height of the proposed side extension will not exceed the highest part of the roof of the existing dwellinghouse

(d) The height of the eaves of the proposed side extension will not exceed the highest part of the eaves of the existing dwellinghouse

(e) The proposed side extension will not extend beyond a wall which forms either the principle elevation of the original dwellinghouse or fronts a highway and forms a side elevation of the original dwellinghouse

(f) Not relevant in this application as the proposed development is to the side elevation.

(g) Not relevant in this application as the proposal falls within permitted development limits

(h) Not relevant in this application as the extension is single storey

(i) Although the proposed side extension will be within 2m of the boundary of the curtilage, the eaves height will not exceed 3m

(j) The single storey side extension will not exceed 4 metres in height, have more than a single storey or have a width greater than half of the width of the original dwellinghouse

(k) The proposal does not include the construction or provision of a veranda, balcony or raised platform; it does not include the installation, alteration or replacement of a microwave antenna; it does not include the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or the alteration to any part of the roof of the dwellinghouse

7.4 A.2- Not relevant to this application as the property is not located on article 2(3) land.

- 7.5 A.3- The materials used will match the existing materials of the current property and there will be no glazing added at first floor level.
- 7.6- A search of the planning history has not revealed any conditions that restrict Permitted Development rights nor is the dwelling part of an Article 4 direction.

8 Conclusion

- 8.1 The proposed development falls within Permitted Development regulations as set out in Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended. The Lawful Development Certificate should therefore be granted.

9 RECOMMENDATION:

That the Head of Place be authorised to **GRANT A CERTIFICATE OF LAWFUL USE** for application APP/23/00701

FIRST SCHEDULE:

This certificate relates to the following development:

Application for Certificate of Lawfulness relating to proposed demolition of corrugated roof, single storey outbuilding to be replaced with single storey side extension to provide washroom and utility. as described in the written particulars, plans and other documents submitted with your application received on 09 August 2023 and 10 October 2023.

SECOND SCHEDULE:

This certificate relates to land at 11 Bell Crescent, Waterlooville, PO7 7DG as shown edged red on the submitted Location Plan received 09 August 2023.

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.