

Site Address: 39 Inglestone Close, Havant, PO9 1DG

Proposal: Application for Lawful Development Certificate relating to the removal of existing side door (south elevation) and conversion of existing glazed conservatory in to brick built extension (west elevation,same footprint).

Application Type: Certificate of Lawfulness

Application No: APP/23/00279 Expiry Date: 16/06/2023

Applicant: Mr Morton

Agent: Case Officer: Denise Sheath

Ward: Bedhampton

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

1 Site Description

39 Ingledene Close, Havant, PO9 1DG

2 Planning History

97/56346/001 - Dormer to rear, PERM,05/06/1997

3 Proposal

Application for Lawful Development Certificate relating to the removal of existing side door (south elevation) and conversion of existing glazed conservatory in to brick built extension (west elevation, same footprint).

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

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 be development allowed under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.

7.2 The proposed development is for a single storey rear extension, comprising the rebuilding of the existing rear conservatory as a brick built extension. As such it 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 Class 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 extension would 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 extension will not exceed the highest part of the roof of the existing dwellinghouse
- (d) The height of the eaves of the proposed rear extension will not exceed the highest part of the eaves of the existing dwellinghouse
- (e) The proposal 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) The proposed extension will have a single storey and will not extend more than 3m from the rear wall of the existing dwellinghouse, nor will it exceed 4m in height
- (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 extension will be within 2m of the boundary of the curtilage, the eaves height will not exceed 3m.
- (j) The single storey rear 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

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

A.3- The materials used will match the existing materials of the current.

A.4- 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.

7.4 Part of the proposal is to remove the existing side door to the ground floor southern elevation and replace with face brick work to match the existing property. This element of the proposal would fall within permitted development.

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) Order 2015 (as amended). Therefore, a Lawful Development Certificate **can** be issued.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT A CERTIFICATE OF LAWFUL USE** for application APP/23/00279

Information for decision notice:

FIRST SCHEDULE:

This certificate relates to the following development:

Application for Lawful Development Certificate relating to the removal of existing side door (south elevation) and conversion of existing glazed conservatory in to brick built extension (west elevation,same footprint). as described in the written particulars, plans and other documents submitted with your application received on 26 March 2023.

SECOND SCHEDULE:

This certificate relates to land at 39 Ingledene Close, Havant, PO9 1DG as shown edged red on the submitted Location Plan received 26 March 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.