
Site Address: 71 Southwood Road, Hayling Island, PO11 9PT
Proposal: Application for Certificate of Lawfulness relating to proposed single storey extension.
Application Type: Certificate of Lawfulness
Application No: APP/22/00747 Expiry Date: 10/10/2022
Applicant: Mr D Walker
Agent: Case Officer: Jenni Price
Ward: Hayling East

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

1 Site Description

71 Southwood Road, Hayling Island, PO11 9PT

The locality is predominantly residential in nature and the site, itself, includes a two storey, detached, dwellinghouse of traditional brick and tile construction which has been supplemented with elements of white render and hanging tiles on its external walls. The site is on a corner plot. Although vehicular access is found at the rear of the property, it is considered that the “principal” elevation of the dwellinghouse is the southern elevation which fronts onto the main highway and provides pedestrian access to the front door.

2 Planning History

96/61604/000 - Detached double garage to east side and 1.8m high front and part side boundary wall, PERM,04/04/1996

07/61604/001 - brick garden wall, wrought iron pedestrian gate and driveway gate to rear., UNK,

GEN/22/00506 - Bedroom and bathroom extension
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3 Proposal

Application for Certificate of Lawfulness relating to proposed single storey extension.

4 Policy Considerations

National Planning Policy Framework
Havant Borough Council Borough Design Guide SPD December 2011
Havant Borough Council Parking SPD July 2016

Havant Borough Local Plan (Core Strategy) March 2011

Havant Borough Local Plan (Allocations) July 2014

Listed Building Grade: Not applicable.
Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Councillor Leah Turner - Hayling East

Councillor M Wilson - Hayling East

Councillor R Raines - Hayling East

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: 0

[illegible]

within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse).

The proposed development would not result in the total area of ground covered by buildings (excluding the original dwellinghouse) exceeding 50% of the total area of the curtilage.

(c) The height of the part of the dwellinghouse enlarged, improved, or altered would exceed the height of the highest part of the roof of the existing dwellinghouse.

The proposed development would be a single storey rear extension, and so the height of the proposed development would not exceed the height of the highest part of the roof of the existing dwellinghouse.

(d) The height of the eaves of the part of the dwellinghouse enlarged, improved, or altered would exceed the height of the eaves of the existing dwellinghouse.

The proposed development would be a single storey rear extension, and so the height of the eaves of the proposed development would not exceed the height of the height of the eaves of the existing dwellinghouse.

(e) The enlarged part of the dwellinghouse would extend beyond a wall which

- (i) Forms the principal elevation of the original dwellinghouse; or**
- (ii) Fronts a highway and forms a side elevation of the original dwellinghouse.**

The entrance to the property faces Southwood Road with the proposed extension to the rear of the property.

- (f) The enlarged part of the dwellinghouse would have a single storey and –**
- (i) Extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse; or**
 - (ii) Exceed 4 metres in height.**

The proposed extension will be single storey and project 2.6m and have an overall height of 3.4m on a detached property.

(g) For a dwellinghouse not on Article 2(3) land, nor on a Site of Special Scientific Interest (SSSI), the enlarged part of the dwellinghouse would have a single-storey and:

- (i) Extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse; or**
- (ii) Exceed 4 metres in height.**

This is not applicable to the proposed development – see Criterion (f) above.

(h) The enlarged part of the dwellinghouse would have more than a single-storey and:

(i) Extend beyond the rear wall of the original dwellinghouse by more than 3 metres; or

(ii) Be within 7 metres of any boundary of the curtilage of the dwellinghouse being enlarged which is opposite the rear wall of the dwellinghouse.

This is not applicable as the proposed development is for a single storey rear extension.

(i) The enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres.

The proposal is set away from the boundary by 2m+ and the eaves of the extension do not exceed 3m.

(j) The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would –

(i) Exceed 4 metres in height;

(ii) Have more than a single storey; or

(iii) Have a width greater than half the width of the original dwellinghouse.

The above is not applicable as the proposed single storey extension would extend beyond the northern rear elevation of the original dwellinghouse.

(Ja) Any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (e) to (j).

The extension does not exceed the above limits.

(k) It would consist of, or include –

(i) The construction or provision of a verandah, balcony or raised platform;

(ii) The installation, alteration, or replacement of a microwave antenna;

(iii) The installation, alteration, or replacement of a chimney, flue or soil and vent pipe; or

(iv) An alteration to any part of the roof of the dwellinghouse.

The proposed development would not comprise any of the above.

A.2 In the case of a dwellinghouse on Article 2(3) land, development is not permitted by Class A if –

(a) It would consist of, or include, the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;

(b) The enlarged part of the dwellinghouse would extend beyond a wall

forming a side elevation of the original dwellinghouse;

(c) The enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse; or

(d) Any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceed or would exceed the limits set out in sub-paragraphs (b) to (c).

The dwellinghouse and proposed development are not on Article 2(3) land and so the criteria set out under A.2 is not applicable.

A.3 Development is permitted by Class A subject to the following conditions –

(a) The materials used in any exterior work (other than materials used in the construction of a conservatory) shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.

The submitted plans state that all external materials would be of a similar appearance to the existing dwellinghouse.

(b) Any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse shall be –

(i) Obscure-glazed; and

(ii) Non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

The proposed development is for a single storey extension and so the above is not applicable to the proposed development.

(c) Where the enlarged part of the dwellinghouse has more than a single storey, or forms an upper storey on an existing enlargement of the original dwellinghouse, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.

The proposed development is for a single storey extension and so the above is not applicable to the proposed 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 the certificate for application

(A)

(B) for the following reasons/subject to the following conditions

FIRST SCHEDULE:

This certificate relates to the following development:

Application for Certificate of Lawfulness relating to proposed single storey extension.
as described in the written particulars, plans and other documents submitted with your
application received on 08 July 2022.

SECOND SCHEDULE:

This certificate relates to land at 71 Southwood Road, Hayling Island, PO11 9PT as
shown edged red on the submitted Location Plan received 08 July 2022.

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.