
Site Address:	16 Minters Lepe, Waterloooville, PO7 5QS		
Proposal:	Application for certificate of lawfulness relating to proposed single storey rear and side extension.		
Application No:	APP/21/00237	Expiry Date:	27/04/2021
Applicant:	Mr Boyce		
Agent:	Mr Lawton	Case Officer:	Tina Pickup
	KEL Building Advisor Ltd		
Ward:	Purbrook		

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

1 Site Description

16 Minters Lepe, Waterloooville. The property is a semi-detached two storey dwelling fronting a grassed shared communal area and having a rear vehicular access via Ardington Rise which is adopted highway.

2 Planning History

12642/6 - 40 Bungalows & 50 Houses - Permission 13/6/61
12642/15 - 125 dwellings - Permission 23/7/62

No conditions withdrew any pd rights

3 Proposal

Application for certificate of lawfulness relating to proposed single storey rear and side extension.

This is a Section 192 application for a Lawful Development Certificate to establish whether the proposed single storey rear extension and side extension are classed as permitted development under the Town and Country Planning (General Permitted Development) (England) Order 2015.

4 Policy Considerations

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)
Listed Building Grade: Not applicable.
Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Not required

6 Community Involvement

Not required for a Certificate of Lawful Proposed Use or Development application which is a legal determination only.

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 which in this case includes Schedule 2, Part 1, Class A.

7.3 Class A relates to enlargements to the dwelling house and is relevant for both the proposed single storey rear and side extensions. The proposal has been considered against the restrictions for development provided by A. 1, the response to which is detailed below:

(a) Permission to use the dwelling house as a dwelling house 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 extensions do not result in over 50% of the total area of the curtilage being covered by buildings (excluding the original dwelling house)

(c) The height of the rear or side extensions do not exceed the highest part of the roof of the existing dwelling house

(d) The height of the eaves of the rear or side extension does not exceed the height of the eaves of the original dwelling house

(e) The enlarged part of the dwelling does not comprise the principal elevation - it is the rear and side that is being extended. The side elevation does not 'front' a highway and whilst the rear extension does extend closer to the highway this is not one of the criteria of clause (e). Overall it is considered that the siting of the 2 extensions proposed does not involve a wall which forms either the principle elevation of the original dwelling house or a side elevation that fronts a highway

(f) The rear extension does not extend more than 3m from the rear wall of the original semi detached dwelling house, nor does it exceed 4m in height

(g) This is not relevant for this application as the measurements comply with permitted development limits

(h) This is not relevant for this application as the extension is single storey

(i) The rear extension is within 2m of the boundary but the eaves height does not exceed 3m; the side extension is not within 2m of any boundary

(j) The side extension does not exceed 4m in height; is only single storey; and does not have a width greater than half the width of the original house

(k) The extensions do 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.

- 7.4 A.2 conditions: This is not relevant as the property is not located on article 2(3) land
- 7.5 A.3 conditions: The supporting information confirms that the external materials used will be of a similar appearance to those on the existing dwelling; and there are no windows to be inserted in an upper floor side elevation or roof slope
- 7.6 A search of the planning history has not revealed any conditions that restrict Permitted Development rights nor is the property subject to an Article 4 direction.

8 Conclusion

- 8.1 It is considered that there is sufficient evidence as detailed in the submitted documentation to prove that the proposed rear and side extensions fall 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/21/00237

Wording for decision notice

Havant Borough Council, as Local Planning Authority, certifies that on 02 March 2021 the development described in the First Schedule to this certificate in respect of land described in the Second Schedule and edged in red on the submitted Site Plan Drawing No. 006 on Council's website dated 12 March 2021 would have been lawful within the meaning of Section 192 of the Town and Country Planning Act 1990 (as amended) for the following reason:

The proposed development falls within permitted development allowances as set out in Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

FIRST SCHEDULE:

This certificate relates to the following development:

Application for Certificate of Lawfulness relating to proposed single storey rear and side extension, as specified on the following plans:

Supporting Statement on Council's website dated 12 March 2021
Proposed Site Plan Drawing No. 006 on Council's website dated 12 March 2021
Proposed Floor and Roof Plans Drawing No. 003 on Council's website dated 12 March 2021
Proposed Elevations Drawing No. 004 on Council's website dated 12 March 2021

SECOND SCHEDULE:

This certificate relates to land at 16 Minters Lepe, Waterlooville, PO7 5QS as shown edged red on the submitted 1:1250 Site Plan Drawing No.006 on Council's website dated 12 March 2021

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.