

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 3

Comment	Officer Comment
I refer to my objections to the development Ref No: APP/20/00867. The case Officer being Ms Selina Donophy. Specifically, the access to the site. Again, all the materials and site clearance will be via the boundary fence that let's onto the private garage space, thus denying the owners uninterrupted use of their garage. Together with the development of the main house as proposed, this further demolition and building will cause lengthy, unauthorised, unacceptable and flagrant misuse and trespass on the forecourt of the garages. Further to the disruption to the garage owners, heavy delivery lorries and vans will further destroy the verge and kerb which has already suffered much damage from previous abuse by the owner of 76 London Road, the majority of which is part of Milbeck Close and the only vehicular access to the garages and not to the gentleman's rear garden, which he uses without warning or permission from the garage owners, all of whom are residents of Milbeck Close	The concerns raised would not be able to be commented on within the planning report as this application is for a certificate of lawfulness and as such is being checked against specific criteria of the GPDO only.
I AM THE OWNER OF A GARAGE ONE OF A NUMBER IN TWO BLOCKS SITUATED TO THE SOUTH SIDE OF THE APPLICANTS REAR GARDEN. THE APPLICANT HAS BEEN IN THE HABIT OF USING UNATHORISED ACCESS TO HIS GARDEN VIA THE GARAGE CONCRETE STANDING BETWEEN THE BLOCKS THENCE MILBECK CLOSE. (THE STANDING WAS NOT CONSTRUCTED WITH HGV IN MIND). GARAGE OWNERS HAVE BEEN UNABLE TO ACCESS THEIR GARAGES OR VEHICLES. HGV HAS CAUSED DAMAGE TO THE COUNCIL OWNED GRASS VERGE WHICH HAS BEEN REPAIRED BY GARAGE	The concerns raised would not be able to be commented on within the planning report as this application is for a certificate of lawfulness and as such is being checked against specific criteria of the GPDO only.

OWNERS. MEASURES WILL BE PUT IN PLACE TO DENY ACCESS BETWEEN THE GARAGES- IT IS NOT A RIGHT OF WAY.	
I do not object to the building of the proposed shed - I do however have issues with how they plan to access there rear garden. Currently the owner thinks he has rights of access to his rear garden by removing a fence panel to create access via a privately owned garage block, in doing this there has been many times that access to my garage has been blocked - in the past I have even had 2 tons of hardcore dumped in-front of my garage for over 24 hours restricting access to my garage and preventing me from parking. In addition to this there has been significant damage to the kerbstones, grass verge and public footpath by large vans and builders doing works over the last couple of years - to date the highways agency has had to do x2 repairs to the footpath (ref 21504592 https://roadenquires.hants.gov.uk/roadproblems/statuschecker.aspx) In you can guarantee that no products will enter or leave via this route I have no issue - if this cant be guaranteed then I object to the works	The concerns raised would not be able to be commented on within the planning report as this application is for a certificate of lawfulness and as such is being checked against specific criteria of the GPDO 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 (as amended).

7.3 The proposal has been considered against the restrictions for development provided by E.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 outbuilding will not result in over 50% of the total area of the curtilage being covered by buildings (excluding the original dwellinghouse).

- (c) The outbuilding would not be sited on land forward of a wall forming the principal elevation of the original dwellinghouse.
- (d) The outbuilding would not have more than one storey.
- (e) The height of the outbuilding would not exceed 2.5 metres in height and would be sited within 2 metres from any boundary.
- (f) The height of the eaves would not exceed 2.5 metres.
- (g) The outbuilding would not be sited on land within the curtilage of a Listed Building.
- (h) The proposal does not include the construction or provision of a verandah, balcony or raised platform and does not relate to a dwelling or microwave antenna.
- (i) N/A
- (j) N/A

- 7.4 E.2- The property is not located within an area of outstanding natural beauty, the broads, a national park or a world heritage site.
- 7.5 E.3- The details submitted demonstrate that the outbuilding shall be used for a purpose incidental to the enjoyment of the dwellinghouse and shall not be used as a self contained unit of accommodation.
- 7.6 A search of the planning history has not revealed conditions that restrict "Permitted Development" rights nor is the dwelling part of an Article 4 direction.

8 **Conclusion**

8.1 It is considered that there is sufficient evidence It is considered that there is sufficient evidence as detailed in the submitted documentation to prove the proposed development falls within permitted development tolerances as set out in Schedule 2, Part 1 Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 and accordingly the Certificate of Lawful Development can be issued.

9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT A CERTIFICATE OF LAWFUL USE** for application APP/20/00919

Havant Borough Council, as Local Planning Authority, certifies that on 21 October 2020 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 Location Plan 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 E 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 Lawful Development Certificate for proposed development relating to the removal of 1No. shed and 1No.outbuilding with replacement timber frame outbuilding, as described in the written particulars, plans and other documents submitted with your application received on 05 October 2020 and 21 October 2020.

SECOND SCHEDULE:

This certificate relates to land at 76 London Road, Cowplain, Waterloooville, PO8 8EW as shown edged red on the submitted Location Plan received 21 October 2020.

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.