
Site Address:	36 Cotwell Avenue, Waterloooville, PO8 9AW		
Proposal:	Application for certificate of lawfulness relating to existing rear garden out building.		
Application No:	APP/20/00736	Expiry Date:	02/11/2020
Applicant:	Mr A Jones		
Agent:		Case Officer:	Bee Crawford
Ward:	Cowplain		

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

1 Site Description

- 1.1 The application site is a link detached chalet style bungalow and garage, with a brown tiled pitched and hipped roof and elevations of red and yellow multi-brick.. The site is level with open vehicular access to the front. The rear garden has a depth in excess of 30 metres with a shingled area, shrubs enclosed to all boundaries by 1.5 metre high fencing.
- 1.2 Link detached bungalows are to the north and south, a detached bungalow is opposite and the rear gardens of properties in Verbena Crescent are to the rear. The area is of medium density with detached and link detached bungalows and chalet style dwellings of a similar age,different styles and design.

2 Planning History

APP/18/00714 - Rear extension and loft conversion to form chalet bungalow, Juliet balcony to the rear and velux roof windows., PERM,11/09/2018

3 Proposal

- 3.1 The application is for a certificate of lawfulness for existing use or development relating to existing rear garden outbuilding.

4 Policy Considerations

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

5 Statutory and Non Statutory Consultations

None.

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: 1

Comment	Officer Comment
Do not fully understand why this building did not require planning permission due to the fact that it has been built as a habitable residence especially considering it potentially adds to the increasing issue of residents parking in the street as there is limited parking space to the front of the property with no vehicular access to the rear where this new building is situated.	See section 7.

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 have required planning permission
- (ii) Supporting evidence

(i) Whether the development would have required 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 development has been assessed against Schedule 2, Part 1, Class E.

7.4 Under Schedule 2, Part 1, Class E the outbuilding in the rear garden meets the following tests:

(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 this Schedule (changes of use);

(b) the total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) does not exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);

(c) any part of the building, enclosure, pool or container is not situated on land forward of a wall forming the principal elevation of the original dwellinghouse;

(d) the building does not have more than a single storey;

(e) the height of the building has a dual pitched roof and does not exceed 4 metres;

(f) the height of the eaves of the building does not exceed 2.5 metres;

(g) the building, enclosure, pool or container is not situated within the curtilage of a listed building;

(h) it does not include the construction or provision of a verandah, balcony or raised platform;

(i) it does not relate to a dwelling or a microwave antenna; or

(j) the capacity of the container does not exceed 3,500 litres.; or

(k) the dwellinghouse was not built under Part 20 of this Schedule (construction of new dwellinghouses).

7.5 E2 - The application site does not fall within:

(a) an area of outstanding natural beauty;

(b) the Broads;

(c) a National Park; or

(d) a World Heritage Site.

7.6 E3 - The application site is not on article 2(3) land.

(ii) Supporting evidence

7.7 Evidence submitted

Site location plan

Block plan

Elevation plans

Three coloured photographs of the exterior of the building

7.8 Evidence on Council's file

Notes documenting a site visit on 28 November 2018 by an officer from Havant Borough Council's Enforcement Section to check dimensions of building and distance to boundaries, findings recorded as permitted development.

Correspondence with the applicant confirming the use of the outbuilding.

7.9 Assessment of Evidence

The evidence on the Council's file concurs with the information supplied by the applicant regarding the size, location and use of the outbuilding, it is therefore determined a Lawful Development Certificate for the existing outbuilding should be granted.

The Council, as the Local Planning Authority, has no evidence to contradict the applicant's version of events and history of the use of the site.

8 Conclusion

- 8.1 The proposed development falls within permitted development regulations as set out in Schedule 2, Part 1, Class E of The Town and Country Planning (General Permitted Development) (England) 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 Development for application APP/20/00736 subject to the following interpretation as set out in The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Schedule 2, Part 1 'Development within the curtilage of a dwelling house', Class E.

Interpretation of Class E

E.4 For the purposes of Class E, "purpose incidental to the enjoyment of the dwellinghouse as such" includes the keeping of poultry, bees, pet animals, birds or other livestock for the domestic needs or personal enjoyment of the occupants of the dwellinghouse.