
Site Address: 21 Dudleston Heath Drive, Waterloooville, PO8 8AR
Proposal: Application for Certificate of Lawfulness relating to single storey rear extension with pitch roof and erection of front porch.
Application No: APP/20/00352 Expiry Date: 30/06/2020
Applicant: Mr & Mrs Thompson
Agent: Mr Rosenthal Case Officer: Denise Sheath
 Rosenthal Design Services Ltd
Ward: Cowplain

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

1 Site Description

21 Dudleston Heath Drive, Waterloooville, PO8 8AR

2 Planning History

99/64267/000 - Single storey side extension, PERM,05/07/1999
APP/18/00088 - Single storey rear and side extension., PERM,19/03/2018

3 Proposal

Application for Certificate of Lawfulness relating to single storey rear extension with pitch roof and erection of front porch.

4 Legislation

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

5 Statutory and Non Statutory Consultations

Not required

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:

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

Single storey rear extension

7.2 The proposal has been assessed against the 'permitted development' allowances, Part 1, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

7.3 Under Class A the proposed single storey rear extension 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 or Q of Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (changes of use)

(b) The extension will 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 extension will not exceed the highest part of the roof of the existing dwellinghouse

(d) The height of the eaves of the extension will not exceed the highest part of the eaves of the existing dwellinghouse.

(e) The extension 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 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 within permitted development limits

(h) The extension is not more than one storey, extending more than 3m beyond the rear wall of the existing dwellinghouse

(i) Although the extension will be within 2m of the boundary of the curtilage, the eaves height will not exceed 3m.

(j) The extension does not extend beyond a wall forming a side elevation

(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.

7.4 (A2) - The application site is not situated within Article 2(3) land.

- 7.5 (A3) – Plans submitted with the application confirm the materials to be used are to match those used on the original dwellinghouse. No upper floor windows are proposed for this application.
- 7.6 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.

Porch to the front of the property

- 7.7 The proposal has been assessed against the 'permitted development' allowances, Part 1, Class D of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- 7.3 Under Class D the proposed Porch 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 or Q of Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (changes of use)
 - (b) The ground area (measured externally) of the structure does not exceed 3 square metres
 - (c) No part of the structure would not be more than 3m above ground level
 - (d) No part of the structure would be within 2m of any boundary of the curtilage of the dwellinghouse with a highway

8 Conclusion

- 8.1 There is sufficient evidence as detailed in the submitted documentation to prove that the addition of a single storey rear extension and the erection of a front porch, as shown on the plans submitted 05.05.2020 and 22.06.2020, would be considered to be permitted development under the Town and Country Planning (General Permitted Development) (England) Order 2015, Part 1 'Development within the curtilage of a dwelling house', Class A.1 and Class D, and therefore would not require Planning Permission.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT A CERTIFICATE OF LAWFUL USE** for application APP/20/00352

FIRST SCHEDULE:

This certificate relates to the following development:

Application for Certificate of Lawfulness relating to single storey rear extension with pitch roof and erection of front porch. as described in the written particulars, plans and other documents submitted with your application received on 04 May 2020 and 22 June 2020.

SECOND SCHEDULE:

This certificate relates to land at 21 Dudleston Heath Drive, Waterloooville, PO8 8AR as shown edged red on the submitted Location Plan received 04 May 2020; Existing Ground Floor Plan (Drawing No.01); Existing First floor Plan (Drawing No.03); Existing Elevations (Drawing No. 05); Proposed Ground Floor Plan (Drawing No.02); Proposed First Floor Plan (Drawing No. 04); Proposed Elevations (Drawing No.06) Received 22 June 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.