

5 Statutory and Non Statutory Consultations

None 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) Principle of development

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 A, Class B and Class D.

7.4 Under Schedule 2, Part 1, Class A, the proposed development meets the following tests:

Part 1: Development within the curtilage of a dwellinghouse

Class A – enlargement, improvement or other alterations of a dwellinghouse

Permitted Development

A. The enlargement, improvement or other alteration of a dwellinghouse

Development not permitted

A.1 Development is not permitted by Class A if –

(a) Permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q of Part 3 of this schedule (changes of use);

The dwellinghouse has not.

- (b) As a result of the works, the total area of ground covered by buildings 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 proposal would not.

- (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 proposal would not exceed 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 proposal would not exceed the height of the eaves of the existing dwellinghouse.

- (a) 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 proposal would constitute a roof alteration on the existing porch and garage however this is of no legal context. It does not front a highway or form a side elevation of the original dwellinghouse.

- (b) 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
- (ii) Exceed 4 metres in height

The proposal does not extend more than 4 metres beyond the rear wall of the original dwellinghouse nor exceed 4 metres in height.

- (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 height of the eaves does not exceed 3 metres on the proposed extensions.

- (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 proposal does not exceed 4 metres in height, have more than a single storey or have a width greater than half the width of the original dwellinghouse.

(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 proposal does not include any of the above.

A.2 Dwellinghouse on article 2(3) land

The proposal is not on article 2(3) land.

Conditions

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) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse; - Materials are shown to match existing
- (b) Any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must 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; and (single storey proposed so N/A)
- (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 (single storey proposals so N/A)

7.5 Under Schedule 2, Part 1, Class B (additions etc to the roof of a dwellinghouse)

B.1 Development not permitted by Class B if -

- a) Permission to use the dwellinghouse as a dwellinghouse has been granted only virtue of Class M, N, P, PA or Q of Part 3 of this schedule (changes of use);

N/A

- b) Any part of the dwellinghouse would, as a result of works, exceed the height of the highest part of the existing roof;

The proposed development does not exceed the height of the highest part of the existing roof.

- c) Any part of the dwellinghouse would, as a result of works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts the highway;

The proposed development does not front the highway therefore this does not comply.

d) The cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than -

- (i) 40 cubic metres in the case of the terrace house, or
- (ii) 50 cubic metres in any other case;

The proposed development does not.

e) It would consist of or include -

- (i) The construction or provision of a verandah, balcony or raised platform, or
- (ii) The installation, alteration, or replacement of a chimney, flue or soil and vent pipe;

The proposed development does not include any of the above.

f) The dwellinghouse is on article 2(3) land.

The dwellinghouse is not article 2(3) land.

Conditions

B.2 Development is permitted by Class B subject to the following conditions -

a) The materials used in any exterior work must be of similar appearance to those used in the construction of the exterior of the existing dwellinghouse;

b) The enlargement must be constructed so that -

(i) Other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension -

(aa) The eaves of the original roof are maintained or reinstated; and

(bb) The edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge of the eaves; and

(ii) Other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse; and

c) Any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse must 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.

7.6 Under Schedule 2, Part 1, Class D (Porches) meets the following tests:

D.1 Development is not permitted by Class D if -

a) Permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use);

N/A

b) The ground area (measured externally) of the structure would exceed 3 square metres;

The ground area coverage is unaltered.

c) Any part of the structure would be more than 3 metres above ground level; or

The porch is 3m in height.

d) Any part of the structure would be within 2 metres of any boundary of the curtilage of the dwellinghouse with a highway.

The porch is more than 2m from the highway boundary.

8 **Conclusion**

8.1 The proposed development falls within permitted development regulations as set out in Schedule 2, Part 1, Class A and Class D 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/20/00162

FIRST SCHEDULE:

This certificate relates to the following development:

Application for Certificate of lawfulness relating to proposed single storey rear and side extensions after demolition of existing extensions. Modification of porch roof to lean-to pitched roof. as described in the written particulars, plans and other documents submitted with your application received on 30 March 2020.

SECOND SCHEDULE:

This certificate relates to land at 19C Leigh Road, Havant, PO9 2ET as shown edged red on the submitted Location Plan received 24 February 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.