

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

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: 0

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.

7.3 The development has been assessed against Part 1 Class A.

7.4 Under Class A the replacement of existing sash windows with new double glazed UPVC vertical sliding sash windows, new French doors meets the following tests:

A.3(a)

The materials to be used in any exterior work (other than the materials to be used in the construction of a conservatory) shall be of similar appearance to those used in the construction of the exterior of the existing dwellinghouse. - The replacement windows to be installed will be of similar design and colour as the existing windows, the replacement of the window to French door will match the materials to be used in the replacement windows within the property and would therefore would not be harmful.

7.5 A search of the planning records has not revealed any relevant history nor is the dwelling part of an Article 4 direction.

7.6 It is therefore considered that the replacement of existing sash windows with new double glazed UPVC vertical sliding sash windows, new French doors to the property would meet the requirements of Part 1 Class A.

7.7 Class G is relevant for the proposed boiler flue to the rear roof elevation, which under Class G1 meets the following tests:

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

(b) the height of the chimney, flue or soil and vent pipe would not exceed the highest part of the roof by 1 metre or more;

(c) in the case of a dwellinghouse on article 2(3) land, the chimney, flue or soil and

vent pipe would not be installed on a wall or roof slope which:-

- (i) fronts a highway
- (ii) forms wither the principal elevation or side elevation of the dwellinghouse.

7.8 The plans submitted with the application and emails received 25.09.19 and 14.10.19 demonstrate that the Conditions on A2 and A3 would be met.

7.9 The plans submitted with the application and emails received 25.09.19 and 14.10.19 demonstrate that the G1 would be complied with.

8 Conclusion

8.1 There is sufficient evidence as detailed in the submitted documentation to prove that the proposed replacement of existing sash windows with new double glazed UPVC vertical sliding sash windows, new french doors, new boiler flue through rear extension roof and internal alterations, as shown on the plans and emails submitted 03.09.19, 25.09.19 and 14.10.19 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. and 'Chimneys, flues etc on a dwellinghouse' Class G 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/19/00876

That the Head of Planning Services be authorised to **Grant a Certificate of Lawful Development** for application APP/19/00876

Wording for decision notice

Havant Borough Council, as the Local Planning Authority, certifies that on 03 September 2019 the development described in the First Schedule to this certificate in respect of land described in the Second Schedule and edged in red on submitted location plan and block plan (Drawing Ref: D1) 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 and Class G of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.

FIRST SCHEDULE:

This certificate relates to the following development: Proposed replacement of existing sash windows with new double glazed UPVC vertical sliding sash windows, new French doors, new boiler flue through rear extension roof and internal alterations, as shown on submitted drawings:

Location plan and Block Plan (Drawing Ref: D1) received 03 September 2019
Proposed ground floor plan (Drawing Ref: D3) received 03 September 2019
Proposed Elevations (Drawing Ref: D5) received 03 September 2019
Email confirming removal of velux window to roof slope received 25 September 2019
Email confirming height of flue received 14 October 2019

SECOND SCHEDULE:

This certificate relates to land at Flint House, Mill Lane, Langstone, Havant, PO9 1RX as shown edged red on the submitted location and block plan (Drawing Ref: D1) received 03 September 2019.

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 section 172 of the 1990 Act on 29 March 2019.
- (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.