

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

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) Legal Determination

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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 Part 1 Class A.

7.4 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) Not relevant in this application as the extension is single storey

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

(j) Not relevant in this application as the development will be located to the rear of the dwelling.

The existing coal shed appears to be an addition to the original dwellinghouse due to the different brickwork. Therefore, it is considered not to be a part of the original dwellinghouse.

(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

- 7.5 A2 - The application site is not situated within Article 2(3) land.
- 7.6 A3 - The Plans received 09 December 2019 confirm that the conditions in A3 would be met (i.e. materials to be of a similar appearance to those on the existing dwelling).
- 7.7 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.

8 Conclusion

- 8.1 The proposed development falls within permitted development regulations as set out in Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). Therefore a Lawful Development Certificate can be issued.

9 RECOMMENDATION:

Havant Borough Council, as Local Planning Authority, certifies that on 09 December 2019 the development described in the First Schedule to this certificate in respect of land described in the Second Schedule and as shown edged in red on the submitted Location Plan was 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 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.

FIRST SCHEDULE:

This certificate relates to the following development:

Proposed single storey rear extension as described in the written particulars, plans (P-002, P-004 and P-005) and other documents submitted with the application received on 09 December 2019.

SECOND SCHEDULE:

This certificate relates to land at 37 Almond Close, Havant, PO9 3LP as shown edged red on the submitted Location Plan received 09 December 2019 - Drawing No. 013 P-001.

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 27 November 2015.

- (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.