

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

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 (as amended).

7.3 Under Part 1 Class A the extension to the rear of the property does not meet the following test:

(F) subject to paragraph (g) 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 4m in the case of a detached dwellinghouse – The proposed extension has a depth of 4.7 beyond the original rear wall therefore would extend a further 0.7m over the criteria for the depth of a single storey extension for a detached dwellinghouse.

(J) The enlarged part of the dwelling house would extend beyond a wall forming a side elevation of the original dwelling house and would- (iii) have a width greater than half the width of original dwellinghouse – The proposed extension will extend beyond a rear/side wall and have a width of 4.5m, the width of the original dwelling is 7m therefore the above criteria would not be met.

7.4 The depth of the proposed extension would exceed the 4m depth criteria for a single storey rear extension and the proposed extension would have a width larger than that of the original dwellinghouse, therefore under the Town and Country Planning (General Permitted Development) (England) Order 2015 the works proposed would require formal planning permission.

8 Conclusion

8.1 Under Schedule 2, Part 1, Classes A of the The Town and Country Planning (General Permitted Development) Order 2015. It is considered that the proposed extension falls outside of the Permitted Development criteria and therefore planning permission is required and the certificate of lawfulness will be refused.

9 RECOMMENDATION:

That the Head of Planning be authorised to **REFUSE A CERTIFICATE OF LAWFUL USE** for application APP/19/00398 for the following reasons

Havant Borough Council, as Local Planning Authority, **REFUSES** to certify that on 11 April 2019 the development described in the First Schedule to this certificate in respect of land described in the Second Schedule and edged red on the Location Plan Drawing No. 19004-101 received 11 April 2019 would be lawful within the meaning of section 192 of the Town and Country Planning Act 1990 (as amended) for the following reason(s):

The proposed single storey rear extension is not considered to represent permitted

development under the Town and Country Planning (General Permitted Development Order) 2015 (as amended). The development does not meet with the following criteria and is therefore not able to be carried out under permitted development and would require formal planning permission.

Under Schedule 2, Part 1, Class A the extension to the rear of the property does not meet the following test:

(F) subject to paragraph (g) 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 4m in the case of a detached dwellinghouse – The proposed extension has a depth of 4.7 beyond the original rear wall therefore would extend a further 0.7m over the criteria for the depth of a single storey extension for a detached dwellinghouse.

(J) The enlarged part of the dwelling house would extend beyond a wall forming a side elevation of the original dwelling house and would- (iii) have a width greater than half the width of original dwellinghouse – The proposed extension will extend beyond a rear/side wall and have a width of 4.5m, the width of the original dwelling is 7m therefore the above criteria would not be met.

It is therefore considered that the rear extension would not meet the requirements of Class A as the depth of the proposed extension would exceed the 4m depth criteria for a single storey rear extension and the proposed extension would have a width larger than that of the original dwellinghouse, therefore under the Town and Country Planning (General Permitted Development) (England) Order 2015 the works proposed would require formal planning permission.

FIRST SCHEDULE:

This decision relates to the following development:

Proposed single storey rear extension, as described in the written particulars, plans and other documents submitted with your application received on 11 April 2019.

SECOND SCHEDULE:

The decision relates to land at 44 Hollow Lane, Hayling Island PO11 9EY as shown edged red on the Location Plan Drawing No. 19004-101 received 11 April 2019.

OTHER IMPORTANT INFORMATION:

- (1) Your attention is drawn to the attached information regarding your right to appeal to the Planning Inspectorate, if you are aggrieved by the Council's decision. See www.planningportal.gov.uk/pcs
- (2) In view of this refusal by the Council to grant the certificate applied for, the use/development specified above on land specified above may be liable to formal enforcement action under Section 172 of the 1990 Act unless it has the benefit of a separate and valid 'planning permission' for it under the same Act.