

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

Number of neighbour notification letters sent: 4

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 is:

(i) Whether the development would be development allowed under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended:

7.2 The development is a single storey rear extension and as such can be considered against Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 - The enlargement, improvement or other alteration of a dwellinghouse.

7.3 The proposal has been considered against the restrictions for development provided by A. 1, the response to which is detailed below:

(a) Permission to use the dwellinghouse as a dwellinghouse has not been granted only by virtue of Class M, N, P, PA or Q of Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (changes of use)

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

(d) The height of the eaves of the rear extension does not exceed the height of the eaves of the original dwellinghouse

(e) The rear extension does 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 rear extension does not extend more than 4m from the rear wall of the original dwellinghouse, nor does it exceed 4m in height

(g) This is not relevant for this application as the measurements comply with permitted development limits

(h) This is not relevant for this application as the extension is single storey

(i) The eaves height exceeds 2.5m however the extension is not sited within 2m of the boundary of the curtilage

(j) This is not relevant as the extension does not extend beyond a wall forming a side elevation

(k) The extension 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.

The extension has resulted in an alteration to the roof of the original dwellinghouse, and therefore the alterations have also been assessed subject to Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) whereby it is considered that the proposal complies with the tolerances of this Class.

- A.2 This is not relevant as the property is not located on article 2(3) land
- A.3. The materials used for the extension match those used on the original dwellinghouse, and no windows are to be inserted above ground level
- A.4. A search of the planning history has not revealed any conditions that restrict Permitted Development rights nor is the property subject to an Article 4 direction.

8 Conclusion

- 8.1 The rear extension falls within Permitted Development regulations as set out in Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended. The Lawful Development Certificate should therefore be granted.

9 RECOMMENDATION:

Havant Borough Council, as Local Planning Authority, certifies that on 30 January 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 191 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:

Single storey rear extension, as shown on submitted drawings: Site and location plan (Drawing No. 01) received 7th January 2019; Elevations plan (Drawing No. 02) received 7th January 2019 and Proposed site plan (Drawing No. 03) received 7th February 2019.

SECOND SCHEDULE:

This certificate relates to land at 28 Crestland Close, as shown on approved plan no. 01 received 07 January 2019.

OTHER IMPORTANT INFORMATION:

This Certificate is issued solely for the purpose of Section 191 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.

It certifies that the development specified in the First Schedule taking place on land described in the Second Schedule was lawful within the meaning of section 191 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 30 January 2019.

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 as shown edged in red on the submitted location 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.

The effect of the certificate is also qualified by the provision in section 191(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.

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.

You are advised that consent may be required from Southern Water to build in the vicinity of a public sewer. The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.