
Site Address: 61 Burnside, Waterloooville, PO7 7QG
Proposal: Application for Certificate of Lawfulness relating to conversion of garage to habitable space and erection of single storey side extension.
Application No: APP/18/00796 Expiry Date: 04/10/2018
Applicant: Ms Williams
Agent: Bramble-Stewart Case Officer: Bee Crawford
 GBS Designs
Ward: Waterloo

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

1 Site Description

- 1.1 The application site is a two storey semi-detached dwelling and attached garage. It has a brown tiled pitched and hipped roof and elevations of red multibrick and tile hanging. There is a slight decline from the road to the site which has block paving, grass and shrubs to the front. There is open vehicular access and shrub borders to the eastern and western boundaries. The rear garden has a patio area, grass and shrubs enclosed with a shrubs to the western boundary, a 1.8 metre high fence to the eastern boundary and a 1.5 metre fence to the northern boundary with a stream immediately beyond.
- 1.2 The adjoining semi-detached property is to the east, a pair of two storey semi-detached properties are to the west, the entrance to Inhurst Avenue is opposite and The Queens Inclosure wood is to the rear. The area is of medium density with two storey semi-detached properties and bungalows of a similar age, style and design.

2 Planning History

HWU4620/5 - permission granted 08/09/1958 - permitted development rights are intact and there are no restrictions regarding the conversion of the garages.

3 Proposal

- 3.1 Section 192 application for a Lawful Development Certificate to establish whether the proposed conversion of the garage to habitable space and the construction of a single storey side extension is classed as permitted development under the Town and Country Planning (General Permitted Development) (England) Order 2015.

4 Legislation

- 4.1 The Town and Country Planning (General Permitted Development) (England) Order 2015.

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: 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 proposed garage conversion (which was constructed as part of the original development) 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 works 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 works will not exceed the highest part of the roof of the existing dwellinghouse
- (d) The height of the eaves of the works will not exceed the highest part of the eaves of the existing dwellinghouse
- (e) The works 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) Not relevant in this instance
- (g) Not relevant in this application as within permitted development limits
- (h) Not relevant in this instance
- (i) The garage is 3.29 metres from the property boundary.
- (j) Not relevant in this instance
- (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 submitted demonstrate that the conditions in A3 would be met.

- 7.7 A search of the planning history has not revealed any conditions that restrict the conversion of the garage, nor is the dwelling part of an Article 4 direction.
- 7.8 In light of the above criterion, the development which does not extend or add volume to the property (other than the slight increase in height which would fall within permitted development for the side extension criterion) and any external materials would match the existing, would therefore appear to constitute permitted development in accordance with the original legislation
- 7.9 Under Class A the proposed single storey side 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) Not relevant in this instance as the proposal is for a single storey side extension
 - (g) Not relevant in this application as within permitted development limits
 - (h) Not relevant in this application as the extension is for a single storey side extension
 - (i) The extension does not fall within 2 metres of the boundary of the curtilage of the dwellinghouse
 - (j) The side extension does not exceed 4 metres in height, have more than a single storey or a width greater than half the width of the original dwellinghouse
 - (ja) There are no other extensions to the property.
 - (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
- 7.10 A2 - The application site is not situated within Article 2(3) land.
- 7.11 A3 - The plans submitted demonstrate that the conditions in A3 would be met.
- 7.12 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 There is sufficient evidence as detailed in the submitted documentation to prove that the conversion of the garage and the construction of a single storey side extension is 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.1.
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9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT A CERTIFICATE OF LAWFUL USE** for application APP/18/00796 subject to the following conditions (a) as set out in the Town and Country Planning (General Permitted Development) (England) Order 2015, Part 1 'Development within the curtilage of a dwelling house', Class A1.

a) the materials used in any exterior work (other than those used in the construction of a conservatory) shall be of a similar appearance to those used in the construction of the exterior of the existing dwelling house.

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 1.7metres above the floor of the room in which the window is installed

Wording for decision notice

Havant Borough Council, as Local Planning Authority, certifies that on 9 August 2018 the development described in the First Schedule to this certificate in respect of land described in the Second Schedule and edged in red on the submitted Location Plan and Block Plan 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 allowance as set out in Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015.

FIRST SCHEDULE:

This certificate relates to the following development: Proposed garage conversion and single storey side extension as described in the written particulars, plans and other documents submitted with the application received on 9 August 2018 being;

- Drg no. 61 Burnside 01 Existing ground floor and roof plan
- Drg no. 61 Burnside 02 Proposed ground floor and roof plan
- Drg no. 61 Burnside 03 Existing and proposed elevations plan
- Drg no. 61 Burnside 04 Proposed parking plan
- Drg no. 61 Burnside 05 Proposed block plan
- Drg no. 61 Burnside 06 Site plan
- Drg no. 61 Burnside 07 Location plan

SECOND SCHEDULE:

This certificate relates to land at 61Burnside, Waterlooville, PO7 7QG as shown edged red on the submitted location plan received 9 August 2018.