
Site Address:	25 Serpentine Road, Widley, Waterloooville, PO7 5EE		
Proposal:	Application for Certificate of Lawfulness relating to erection of summer house.		
Application No:	APP/19/00008	Expiry Date:	27/02/2019
Applicant:	Mr Coleman		
Agent:		Case Officer:	Karen Wooden
Ward:	Purbrook		

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

1 Site Description

- 1.1 The application site is a semi detached two storey dwelling, located on the western side of Serpentine Road. The property has rendered elevations, and a hung tiled hipped roof. To the front of the property is a garden area and hardsurfacing which provides curtilage parking.
- 1.2 Serpentine Road is a residential area which comprises of terrace and semi detached dwellings of a similar age.

2 Planning History

- 2.1 No relevant planning history.

3 Proposal

Section 191 application for a Lawful Development Certificate to establish whether the constructed summer house located to the rear of 25 Serpentine Road has been constructed in accordance with Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

4 Legislation

The Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.

5 Statutory and Non Statutory Consultations

Not required for the purposes of this application.

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: 6

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 1

Comment	Officer Comment
Since receiving the letter from the council in relation to this application several concerns are raised. Firstly all rules and regulations regarding the height of outbuildings such as this, are quickly and easily found on the Council website. So why this has been constructed above the permitted height for the location is strange. The outbuilding can be clearly seen from the pavement at Serpentine Road, and also from Lone Valley. It is the highest structure in any rear garden in the area and is very prominent. A major concern is that if permission is granted to allow this structure to remain at the current height, and not reduced to the 2.5 meters as per the Planning Regulations, it will set a precedent. It will clearly show that anyone can build any outbuilding in this area to whatever height they want and simply apply retrospectively for permission to allow it to be lawful. If this is the case, given time, it could mean every back garden will have structures as high as this which is unacceptable. With respect, this certificate should not be granted and the structure should be reduced to the permitted height for its location.	Noted

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 have been allowed under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

7.2 The development is detached and sited to the west (rear) of the main dwellinghouse, and as such has been considered against Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Buildings etc incidental to the enjoyment of a dwellinghouse. The submitted information shows that the development has a maximum roof height of 3.7m, and is located within 2m of the boundary of the curtilage with the properties to the north and the west. This falls outside of the limitations of the following:

Schedule 2, Part 1, Class E.1 (eii) - The height of the building, enclosure or container would exceed 2.5m in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse

- 7.3 It is therefore considered that the constructed summerhouse does not meet the requirements of Class E and therefore requires the benefit of formal planning permission.
- 7.4 A search of the planning history has not revealed any conditions that restrict Permitted Development rights.

8 Conclusion

- 8.1 It is considered that the constructed summerhouse the subject of this application does not meet the requirements of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) by virtue of the height and location of the structure. As such planning permission is required and the Certificate of Lawfulness should be refused.

Havant Borough Council, as Local Planning Authority, **REFUSES** to certify that on 2 January 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 the submitted Location Plan is lawful within the meaning of section 191 of the Town and Country Planning Act 1990 (as amended) for the following reasons:

The development exceeds the tolerances of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order (as amended) by virtue of its height and proximity to the boundary of the curtilage.

FIRST SCHEDULE:

This decision relates to the following development: Application for Certificate of Lawfulness relating to erection of summerhouse as described in the written particulars, plans and other documents submitted as part of this application which are detailed below;

Statement from applicant - received 02.01.19
Location plan - received 02.01.19
Block plan - received 02.01.19
Floor layout plan - received 02.01.19
Proposed elevations - received 02.01.19

SECOND SCHEDULE:

This decision relates to land at 25 Serpentine Road, Widley, Waterlooville, PO7 5EE as shown edged red on the site location plan received on 02.01.2019 and attached to this certificate. The building to the rear of 25 Serpentine Road is not Permitted Development under the Town and Country Planning (General Permitted Development) Order 2015 (as amended) for the following reasons:

- 1 The development falls outside of the limitations imposed by Schedule 2, Part

1, Class E, E.1 (e) (ii) criteria and is therefore not able to be carried out under Permitted Development and requires formal planning permission.