
Site Address: 4 Yateley Close, Havant, PO9 4DH
Proposal: Application for Certificate of Lawfulness application relating to proposed partial two storey rear extension and first floor rear extension (over existing ground floor single storey extension).
Application No: APP/17/01180 Expiry Date: 01/01/2018
Applicant: Mr & Mrs Taylor
Agent: Mr Bennett Case Officer: Harriet Pitney
Kalotec Limited
Ward: Barncroft
Site Visit Date:

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

1 Site Description

The application site is a two storey, residential dwellinghouse, located on the southern side of Yateley Close, comprising elevations of brick construction with a tiled pitched roof. The property is located within a terrace of 4 residential dwellings all of a similar age, size, scale and design.

The area is residential in nature with a medium to high density of terrace and semi-detached residential dwellings adjacent to the site and to all boundaries all of a similar age, size, scale and design.

2 Planning History

GEN/17/01138 - Proposed rear first floor extension., ,04/10/2017 14:35:33

3 Proposal

Section 192 application for a Lawful Development Certificate to establish whether the proposed partial two storey extension and first floor extension to the rear of 4 Yateley Close (over the existing ground floor single storey extension) is Permitted Development under 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: 0

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 0

Summary: No 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) 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 proposed development is for a partial two storey rear extension and first floor rear extension (over the existing ground floor single storey extension) and as such falls to be considered against the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, Part 1- Development within the curtilage of a dwellinghouse, Class A- The enlargement, improvement or other alteration of a dwellinghouse.

7.3 The proposal has been considered against the restrictions and conditions imposed for developments as contained within Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015. The proposed extension to the rear of 4 Yateley Close would fall within the limitations imposed by Schedule 2, Part 1, Class A as follows;

A.1 (k) (iv) Development is not permitted if it would consist of or include an alteration to any part of the roof of the dwellinghouse. The proposed extension has been designed so that it forms an attachment to the roof of the main dwelling which would require an alteration to the roof of the dwellinghouse. The General Permitted Development Order does not provide any provision for allowing small alterations to the roof as part of a larger extension. It would therefore not be consistent with the requirements of Class A to suggest that the proposed extension does not include or contain an alteration to any part of the roof of the dwellinghouse. Unless the applicant is able to demonstrate that there is a mechanism by which no alteration would be required to the roof, then the proposed extension could not be considered to be Permitted Development under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended. Having communicated this to the agent, no further information has been submitted and as such no evidence has been provided to demonstrate that the proposed extension would not consist of or include an alteration to any part of the roof of the dwellinghouse.

7.4 The proposed extension to the rear of 4 Yateley Close does not meet the following condition imposed by Schedule 2, Part 1, Class A as follows;

A.3 (a) The materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse. The information/plans provided as part of this application do not indicate what the proposed

materials are in respect of the proposed extension. Having requested this information from the agent, no further information has been submitted and as such the Local Planning Authority is required without further evidence to determine that the proposed extension would not satisfy this condition.

- 7.5 It is therefore considered that the proposed partial two storey rear extension and first floor rear extension would not meet the requirements of Class A and would therefore require the benefit of formal planning permission.
- 7.6 A search of the planning history has not revealed any conditions that restrict Permitted Development rights.

8 Conclusion

It is considered that the proposed extension is not permitted development under Schedule 2, Part 1, Class A of The Town and Country Planning (General Permitted Development) Order 2015 by virtue of the alteration to the roof of the main dwellinghouse and lack of clarity around the materials to be used for the proposed extension. As such planning permission is required and the Certificate of Lawfulness should be refused.

9 RECOMMENDATION:

That the Head of Planning be authorised to **REFUSE A CERTIFICATE OF LAWFUL USE** for application APP/17/01180 for the following reasons:-

FIRST SCHEDULE:

This decision relates to the following development: Proposed partial two storey rear extension and first floor rear extension (over the existing ground floor single storey extension) as described in the written particulars, plans and other documents submitted as part of this application which are detailed below;

Site location and block plan (Drawing No: KALO-0183-01- Rev A)- received 2nd November 2017

Existing ground/ first floor plans and elevations (Drawing No: KALO-0183-01- Rev A)- received 2nd November 2017

Proposed ground/first floor plans and elevations (Drawing No: KALO-0183-01- Rev A)- received 2nd November 2017

SECOND SCHEDULE:

This decision relates to land at 4 Yateley Close, Havant, PO9 4DH as shown edged red on the site location plan (Drawing No: KALO-0183-01- Rev A) received on 02.11.2017 and attached to this certificate. The proposed extension to the rear of 4 Yateley Close 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 within the limitation imposed by Schedule 2, Part 1, Class A, A.1 (k) (iv) criteria and is therefore not able to be carried out under Permitted Development and would require formal planning permission.

A.1 (k) (iv) Development is not permitted if it would consist of or include an alteration to any part of the roof of the dwellinghouse.

The proposed extension has been designed so that it forms an

attachment to the roof of the main dwelling which would require an alteration to the roof of the dwellinghouse. The General Permitted Development Order does not provide any provision for allowing small alterations to the roof as part of a larger extension. It would therefore not be consistent with the requirements of Class A to suggest that the proposed extension does not include or contain an alteration to any part of the roof of the dwellinghouse. Unless the applicant is able to demonstrate that there is a mechanism by which no alteration would be required to the roof, then the proposed extension could not be considered to be Permitted Development under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Having communicated this to the agent, no further information has been submitted and as such no evidence has been provided to demonstrate that the proposed extension would not consist of or include an alteration to any part of the roof of the dwellinghouse.

The development does not meet the condition imposed by Schedule 2, Part 1, Class A as follows:

A.3 (a) The materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse. The information/plans provided as part of this application do not indicate what the proposed materials are in respect of the proposed extension. Having requested this information from the agent, no further information has been submitted and as such the Local Planning Authority is required to determine without further evidence that the proposed extension would not satisfy this condition.

It is therefore considered that the rear extension would not meet the requirements of Class A by virtue of the alteration to the roof of the main dwellinghouse under the Town and Country Planning (General Permitted Development) Order 2015 (as amended) and the works proposed would require formal planning permission.