
Site Address: 11 Park Crescent, Emsworth, PO10 7NT
Proposal: Application for Lawful Development Certificate relating to proposed rear single storey ground floor extension.
Application No: APP/18/00482 Expiry Date: 05/07/2018
Applicant: Mrs Ross
Agent: Mrs Grinstead Case Officer: Karen Wooden
 Your Home Plans Ltd
Ward: Emsworth

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

1 Site Description

- 1.1 The application site is a large detached residential dwelling set back from the public highway and sited within a generous plot. The property is on the eastern side of Park Crescent in Emsworth.

2 Planning History

APP/18/00023 - Application for Certificate of Lawfulness relating to proposed alteration of roof to create additional habitable floor space, and alterations to fenestration including replacement of uPVC windows with white painted timber windows to match original window style of property. Erection of new conservatory., PERM,03/05/2018

3 Proposal

- 3.1 Section 192 application for a Lawful Development Certificate to establish whether the proposed single storey rear extension will be considered to be classed as permitted development under the Town and Country Planning (General Permitted Development) (England) Order 2015.

4 Legislation

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

5 Statutory and Non Statutory Consultations

- 5.1 None applicable for 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: 3

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 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 The proposed development has been assessed against Part 1, Class A.

7.4 Under Class A the proposed single storey rear 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) The extension will have a single storey and will not extend more than 4m from the rear wall of the existing dwellinghouse, nor will it exceed 4m in height
- (g) Not relevant in this application as within permitted development limits
- (h) Not relevant in this application as the extension is single storey
- (i) The extension is not located within 2m of the boundary.
- (j) Not relevant in this application as it does not extend beyond a wall forming a side elevation.
- (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 A search of the planning history has not revealed conditions that restrict 'Permitted Development' rights, nor is the dwelling part of an Article 4 direction.

7.6 The materials to be used are to match those used on the original dwellinghouse

8 Conclusion

8.1 The proposed development falls within permitted development regulations as set out in Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 2015 so therefore I would recommend that this proposal would not require planning permission.

9 RECOMMENDATION:

That the Head of Planning be authorised to grant permission for application APP/18/00482

FIRST SCHEDULE:

This certificate 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 8 May 2018.

SECOND SCHEDULE:

This certificate relates to land at 11 Park Crescent, Emsworth, as shown edged red on the submitted Block and Location Plans received 8 May 2018.

OTHER IMPORTANT INFORMATION:

- (1) This Certificate is issued solely for the purpose of Section 192 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.
- (2) It certifies that the development specified in the First Schedule taking place on land described in the Second Schedule will be lawful within the meaning of section 192 of the Town and Country Planning Act 1990 (as amended) on the specified date and thus will not be liable to enforcement action under section 172 of the 1990 Act on 3 July 2018.
- (3) 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 identified on the attached 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.
- (4) The effect of the certificate is also qualified by the provision in section 192(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.
- (5) 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.
- (6) 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.