

2015.

- 3.2 The application as originally submitted showed the side extension and a detached swimming pool room. It was ascertained that neither of these elements would comply with the criteria for Permitted Development and subsequently amended plans were received on 31 May removing the swimming pool room and re-aligning the wall of the side extension.

4 Legislation

- 4.1 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 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 proposed development has been assessed against Part 1, Class A and Class E

Relocation of front door to main dwellinghouse

It is not considered that the relocation of the front door from the south western elevation to the southern elevation would constitute a material alteration and would not be considered development. Therefore planning permission would not be required for this alteration.

Single storey side Extension

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) 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 for this application as the proposed extension is to the side, and not to the rear of the existing dwellinghouse
- (h) Not relevant for this application as the extension is single storey
- (i) Not relevant for this application as the proposed extension will not be located within 2m of any boundary
- (j) The proposal will extend beyond a wall forming the side elevation of the dwelling, however the overall width of the extension (8.49m) does not exceed 50% of the total width of the original dwellinghouse (17.11m)
- (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

Furthermore the materials to be used in the exterior work of the extension are to be of a similar appearance to the exterior of the existing dwellinghouse.

8 **Conclusion**

9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT A CERTIFICATE OF LAWFUL USE** for application APP/18/00360

FIRST SCHEDULE:

This certificate relates to the following development:

Proposed single storey side extension as described in the written particulars, plans and other documents submitted with your application received on 03 April 2018 and amended plans received on 31 May 2018.

SECOND SCHEDULE:

This certificate relates to land at Northshore, 40 Sinah Lane, Hayling Island, PO11 0HH, as shown edged red on the submitted Site plan/block plan received 31 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 would have been lawful within the meaning of section 192 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 7 June 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.