
Site Address: 22 Esher Grove, Waterloooville, PO7 6XG
Proposal: Application for Certificate of Lawfulness relating to replacement of
existing garage with new outbuilding to be used as a shed and office.
Application No: APP/18/00694 Expiry Date: 04/09/2018
Applicant: Mr Kirby
Agent: Mr Moser Case Officer: Denise Sheath
Design Drawn Ltd
Ward: Waterloo

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

1 Site Description

22 Esher Grove, Waterloooville, PO7 6XG

2 Planning History

APP/17/00808 - Single storey rear extension, first floor dormer to front roof slope, rear garage, new boundary fence and demolition of existing garage - PERM,11/10/2017
APP/18/00050 - Prior notification for single storey development extending 4.3 metres beyond the rear wall of the original dwelling, incorporating an eaves height of 2.4 metres and a maximum height of 2.7 metres. - GPDC 12/02/2018

3 Proposal

The application is for Certificate of Lawfulness relating to the demolition of an existing garage and erection of a new outbuilding to be used as a shed and office.

As such it is a Section 192 application for a Lawful Development Certificate to establish whether the proposed building is considered to be classed as permitted development under the Town and Country Planning (General Permitted Development (England) Order 2015 (as amended)

Amended Plans received 25 July 2018 showing the use of the proposed outbuilding, these were superseded by plans received 17 August 2018 which brought the roof height down to 2.5m to be inline with the Permitted Development Criteria.

4 Legislation

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

5 Policy Considerations

None - Not relevant to Certificate of Lawful Use applications

6 Statutory and Non Statutory Consultations

Not required in relation to this application.

7 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

Summary: No objections/representations received.

8 Planning Considerations

- 8.1 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.

- 8.2 The proposed development is for a detached outbuilding to be used as a shed/office to be sited immediately adjacent to the side (north east) boundary of the site, as such it falls to be considered against the Town and Country Planning (General Permitted Development) (England) Order 2015, Class E- the provision within the curtilage of the dwellinghouse of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse.

- 8.3 The proposal has been considered against the restrictions for development provided by E.1, the response to which are detailed below:

(a) Permission to use the dwellinghouse as a dwellinghouse has not been granted only by virtue of Class M,N,P,PA, or Q of Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (changes of use).

(b) The proposed outbuilding will not result in over 50% of the total area of the curtilage being covered by buildings (excluding the original dwellinghouse).

(c) The outbuilding would not be sited on land forward of a wall forming the principal elevation of the original dwellinghouse.

(d) The outbuilding would not have more than one storey.

(e) The height of the outbuilding would not exceed 2.5 metres in height and would be sited within 2 metres from any boundary.

(f) The height of the eaves would not exceed 2.5 metres.

(g) The outbuilding would not be sited on land within the curtilage of a Listed Building.

(h) The proposal does not include the construction or provision of a verandah, balcony or raised platform and does not relate to a dwelling or microwave antenna.

(i) N/A

(j) N/A

- 8.4 E.2- The property is not located within an area of outstanding natural beauty, the broads, a national park or a world heritage site.
- 8.5 E.3- The details submitted demonstrate that the outbuilding shall be used for a purpose incidental to the enjoyment of the dwellinghouse and shall not be used as a self contained unit of accommodation.
- 8.6 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.

9 Conclusion

The proposed development falls within Permitted Development allowance as set out in Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015. The Lawful Development Certificate should therefore be granted.

10 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT A CERTIFICATE OF LAWFUL USE** for application APP/17/00533.

Havant Borough Council, as Local Planning Authority, certifies that on 10 July 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 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 allowances as set out in Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.

FIRST SCHEDULE:

This certificate relates to the following development:

Replacement of an existing garage with a new shed and office, as shown on submitted drawings:

Site location plan (scale 1:1250) and Block Plan Received 10 July 2018
Existing Floor Plans Received 10 July 2018
Existing Roof Plan and Elevations Received 10 July 2018
Amended Floor Plans Received 17 August 2018
Amended Roof Plan Received 17 August 2018
Amended Proposed Elevations Plan Received 17 August 2018

SECOND SCHEDULE:

This certificate relates to land at 22 Esher Grove, Waterloooville, PO7 6XG, as shown edged red on the submitted Location Plan (scale 1:1250) received 10 July 2018.

