
Site Address: 62 The Brow, Waterloooville, PO7 5DA
Proposal: Application for Certificate of Lawfulness relating to proposed single storey rear extension to replace existing conservatory.
Application No: APP/17/00680 Expiry Date: 21/08/2017
Applicant: Mr & Mrs Purkiss
Agent: C McDermott Case Officer: Karen Wooden
 CMCdesign
Ward: Purbrook

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

1 Site Description

The property the subject of this application is a detached two storey dwelling with a tile pitched roof, and a combination of brick and rendered walls. The front of the site is characterised by a small brick boundary wall and a gravel driveway. A large garden area exists to the rear of the dwelling, which backs onto a golf course.

2 Planning History

02/55118/000 - Construction of new front entrance with terrace and porch, extend existing store to front elevation, rear conservatory, and new pitched roof over existing flat roof dormer to west elevation., PERM,30/04/2002
04/55118/002 - Two no. single storey store rooms adjacent to existing conservatory., PERM,01/06/2004

3 Proposal

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

4 Legislation

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

5 Statutory and Non Statutory Consultations

- 5.1 No consultees required 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: 5

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 1

Comment	Officer Comment
We do not have any objection to the development in principle, but are unhappy about some features, regarding restriction of sunlight and natural light to our kitchen. (The new proposal is for an elevated wall right on the boundary line that is raised by a further 1.5m at its highest point – which is the nearest to our kitchen. Currently, the roof of the conservatory is glass and the raised roof is 1m or so from the boundary and slopes away from us. We would also point out that the ground level at no 62, at the boundary, is 75cm higher than our kitchen ground level. This means with the new proposal the actual relevant height to us would be around 4400mm, not 3696mm. From our estimation, and from the site layout picture, we do not believe we will get any significant light through our kitchen window from late morning onwards from autumn through to the spring, and restricted light all year around. Further, the plan shows the east wall elevation to be on the boundary line. There are potential legal complications in terms of cladding, fascia, guttering etc. overlapping the boundary and also potential legal problems relating to access being required from our property.	This application has been submitted to determine whether the proposed rear extension requires planning permission or whether it falls within the criteria for permitted development (works that can be completed without the need for planning permission). Should planning permission be required, any impact on light to the neighbouring property will be taken into consideration. Any issues relating to the boundary would be a civil matter and therefore could not be a consideration as part of this application.

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 (as amended).

7.3 The 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) The extension is not more than one storey, extending more than 3m beyond the rear wall of the existing dwellinghouse
- (i) Although the extension will be within 2m of the boundary of the curtilage, the eaves height will not exceed 3m
- (j) The extension 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 A2 - The application site is not situated within Article 2(3) land.
- 7.6 A3 - The plans submitted demonstrate that the conditions in A3 would be met.
- 7.7 A search of the planning history has not revealed any conditions that restrict 'permitted development' rights, nor is the dwelling part of an Article 4 direction.

8 Conclusion

- 8.1 There is sufficient evidence as detailed in the submitted documentation to prove that the addition of a single storey rear extension, as shown on the plans submitted 26.06.17, would be considered to be permitted development under the Town and Country Planning (General Permitted Development) (England) Order 2015, Part 1 'Development within the curtilage of a dwelling house', Class A.1, and therefore would not require Planning Permission.

9 RECOMMENDATION:

That the Head of Planning Services be authorised to **Grant a Certificate of Lawful Development** for application APP/17/00680

Wording for decision notice

Havant Borough Council, as the Local Planning Authority, certifies that on 26th June 2017 the development described in the First Schedule to this certificate in respect of land described in the Second Schedule and edged in red on submitted location plan (Drawing No: 341/05/01) 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 A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.

FIRST SCHEDULE:

This certificate relates to the following development: Single storey rear extension to replace existing conservatory, as shown on submitted drawings:

Site plans (Drawing No: 341/05/01) received 26th June 2017

Proposed elevations (Drawing No: 341/05/05) received 26th June 2017

Proposed plans (Drawing No: 341/05/04) received 26th June 2017

SECOND SCHEDULE:

This certificate relates to land at 62 The Brow, Waterloooville PO7 5DA, as shown edged red on the submitted location plan (Drawing No: 341/05/01) received 26th June 2017

OTHER IMPORTANT INFORMATION:

- (1) This Certificate is issued solely for the purpose of Sections 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 26th June 2017.
- (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.