



Havant
BOROUGH COUNCIL

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To:
Mr C Rutter
157 Methuen Road
Southsea
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For: Mr Bolton

Ref No.: APP/17/01039

**Town and Country Planning Act 1990: Section 191 and 192 (as amended by
Section 10 of the Planning and Compensation Act 1991)
Town and Country Planning (General Development Procedure) Order 1995
Article 24
REFUSAL TO GRANT CERTIFICATE OF LAWFUL USE OR DEVELOPMENT**

Havant Borough Council, as Local Planning Authority, **REFUSES** to certify that on 20th September 2017 the development described in the First Schedule to this certificate in respect of land described in the Second Schedule and edged red on the Location Plan Licence no. 100041041 received 20th September 2017 would be lawful within the meaning of section 192 of the Town and Country Planning Act 1990 (as amended) for the following reason(s):

- 1 The proposed single storey rear extension and rear dormer are not considered to represent permitted development under the Town and Country Planning (General Permitted Development Order) 2015 (as amended). The development does not meet with the following criteria and is therefore not able to be carried out under permitted development and would require formal planning permission.

Under Schedule 2, Part 1, Class A the extension to the rear of the property does not meet the following test:

- (d) The height of the eaves of the part of the dwellinghouse enlarged, improved or altered would not exceed the height of the eaves of the existing dwellinghouse.** The existing eaves height is taken from the original in place at No 26 and therefore the proposed height of the extension exceeds the existing height of the eaves and is not permissible under permitted development rights.

Under Schedule 2, Part 1, Class B the rear dormer does not meet the following test:

- B2 (i) (aa) The eaves of the original roof are maintained or reinstated.** The eaves of the original roof beneath the proposed dormer would be removed (and not reinstated) to accommodate the proposed rear extension the original eaves of the property would therefore no longer exist.

It is therefore considered that the rear extension would not meet the requirements of Class A as the height of the eaves exceeds the existing eaves and the rear dormer would not meet the requirements of Class B as the eaves of the original roof are not maintained or reinstated therefore under the Town and Country Planning (General

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FIRST SCHEDULE:

This decision relates to the following development:

Proposed single storey rear extension, rear dormer to provide living accommodation in roof space, 4No. Velux windows to front elevation as described in the written particulars, plans and other documents submitted with your application received on 20th September 2017.

SECOND SCHEDULE:

The decision relates to land at 26 Greenfield Crescent, Waterloo, PO8 9EH as shown edged red on the Location Plan Licence no. 100041041 received 20th September 2017.

OTHER IMPORTANT INFORMATION:

- (1) Your attention is drawn to the attached information regarding your right to appeal to the Planning Inspectorate, if you are aggrieved by the Council's decision. See www.planningportal.gov.uk/pcs
- (2) In view of this refusal by the Council to grant the certificate applied for, the use/development specified above on land specified above may be liable to formal enforcement action under Section 172 of the 1990 Act unless it has the benefit of a separate and valid 'planning permission' for it under the same Act.
- (3) In accordance with paragraphs 186 and 187 of the NPPF Havant Borough Council (HBC) takes a positive and proactive approach and works with applicants/agents on development proposals in a manner focused on solutions by:
 - Offering a pre-application advice service, and
 - Updating you of any issues that may arise in the processing of your application and where possible suggesting solutions, and,

In this instance:

- You sought and were provided with pre-application advice,
- Your application was acceptable as submitted and no further assistance was required.

Andrew Biltcliffe

Andrew Biltcliffe
Executive Planning Service Manager

15 November 2017