



Havant
BOROUGH COUNCIL

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To:
Mr Moser
Design Team Studios
The Clock Tower
Castle Road
Southsea PO5 3BY

For: Mr A Forrest

Ref No.: APP/16/01123

**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 27 October 2016 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 and block plan (Drawing No. 204.E100_D) attached to this certificate would not have been lawful within the meaning of section 191 of the Town and Country Planning Act 1990 (as amended) for the following reason(s):

The proposed single storey rear extension is not considered to be acceptable as 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 tests:

- (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.** As the works proposed to No 26 will include the demolition of the existing single storey extension 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.
- (f) **The enlarged part of the dwellinghouse would have a single storey and would not extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwelling house, or 3 metres in the case of any other dwellinghouse.** The works proposed to No 26 Esher Grove extend past the rear elevation by 3.15m and therefore would not meet the criteria outlined above.

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 depth of the extension exceeds the limit of 3m and therefore under the Town and Country Planning (General Permitted Development) (England) Order 2015 the works proposed would require formal planning permission.

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Andrew Biltcliffe

Andrew Biltcliffe
Executive Planning Service Manager

22 December 2016

FIRST SCHEDULE:

This decision relates to the following development: Single Storey Rear Extension as described in the written particulars, plans and other documents submitted with your application as outlined below:

Location and Block Plan: Drawing No 204.E100_D
Existing Section and South East Elevations Plan: Drawing No 204.E103_B
Existing South West and North West Elevations Plan: Drawing No 204.E102_A
Existing Roof and North East Elevations Plan: Drawing No 204.E101_A
Existing Ground Floor and First Floor Plan: Drawing No 204.E100_A
Proposed Ground Floor and First Floor Plan: Drawing No 204.P100_A
Existing Section A-A and B-B Plan: Drawing No 204.E103_A
Proposed Roof and North East Elevation Plan: Drawing No 204.P101_A
Proposed South West and North West Elevation Plan: Drawing No 204.P102_A

SECOND SCHEDULE:

This decision relates to land at 26 Esher Grove, Waterlooville, PO7 6XG as shown edged in red on the Block and Location Plan Drawing No 204.E100_D received on 07.11.2016 and attached to this certificate.

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 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:

- Your application was acceptable as submitted and no further assistance was

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required.