

To:
Mr Bennett
Kalotec Limited
Cams Hall
Cams Hill
Fareham
PO16 8AB

For: Mr & Mrs Taylor

Ref No.: APP/17/01180

**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 01 November 2017 the development described in the First Schedule to this certificate in respect of land described in the Second Schedule and as shown edged red on the site location plan (Drawing No: KALO-0183-01- Rev A) received on 02.11.2017 would have been lawful within the meaning of section 191 of the Town and Country Planning Act 1990 (as amended) for the following reasons:

- 1 The development falls within the limitation imposed by Schedule 2, Part 1, Class A, A.1 (k) (iv) criteria and is therefore not able to be carried out under Permitted Development and would require formal planning permission.

A.1 (k) (iv) Development is not permitted if it would consist of or include an alteration to any part of the roof of the dwellinghouse. The proposed extension has been designed so that it forms an attachment to the roof of the main dwelling which would require an alteration to the roof of the dwellinghouse. The General Permitted Development Order does not provide any provision for allowing small alterations to the roof as part of a larger extension. It would therefore not be consistent with the requirements of Class A to suggest that the proposed extension does not include or contain an alteration to any part of the roof of the dwellinghouse. Unless the applicant is able to demonstrate that there is a mechanism by which no alteration would be required to the roof, then the proposed extension could not be considered to be Permitted Development under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Having communicated this to the agent, no further information has been submitted and as such no evidence has been provided to demonstrate that the proposed extension would not consist of or include an alteration to any part of the roof of the dwellinghouse.

The development does not meet the condition imposed by Schedule 2, Part 1, Class A as follows:

A.3 (a) The materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse. The information/plans provided as part of this application do not indicate what the proposed materials are in respect of the proposed extension. Having requested this information from the agent, no further information has been submitted and as such the Local Planning Authority is required to determine without further evidence that the proposed extension would not satisfy this condition.

It is therefore considered that the rear extension would not meet the requirements of Class A by virtue of the alteration to the roof of the main dwellinghouse under the Town and Country Planning (General Permitted Development) Order 2015 (as amended) and the works proposed would require formal planning permission.

Andrew Biltcliffe

Andrew Biltcliffe
Executive Planning Service Manager

11 December 2017

FIRST SCHEDULE:

This decision relates to the following development: Proposed partial two storey rear extension and first floor rear extension (over the existing ground floor single storey extension) as described in the written particulars, plans and other documents submitted as part of this application which are detailed below;

Site location and block plan (Drawing No: KALO-0183-01- Rev A)- received 2nd November 2017
Existing ground/ first floor plans and elevations (Drawing No: KALO-0183-01- Rev A)- received 2nd November 2017
Proposed ground/first floor plans and elevations (Drawing No: KALO-0183-01- Rev A)- received 2nd November 2017

SECOND SCHEDULE:

This decision relates to land at 4 Yateley Close, Havant, PO9 4DH as shown edged red on the site location plan (Drawing No: KALO-0183-01- Rev A) received on 02.11.2017 and attached to this certificate. The proposed extension to the rear of 4 Yateley Close is not Permitted Development under the Town and Country Planning (General Permitted Development) Order 2015 (as amended) for the following reasons

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/
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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 unacceptable as submitted and no further assistance was required.