
Site Address:	26 Esher Grove, Waterloooville, PO7 6XG		
Proposal:	Application for Certificate of Lawful Development relating to enlargement of existing single storey extension.		
Application No:	APP/16/01123	Expiry Date:	29/12/2016
Applicant:	Mr A Forrest		
Agent:	Mr Moser	Case Officer:	Emma Chisnall
	Design Team Studios		
Ward:	Waterloo		

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

1 Site Description

26 Esher Grove is a moderate in size semi-detached bungalow situated on level ground. To the rear of the dwelling there is a dormer in the roof elevation and a single storey rear extension. The roof is a pitched gable design and is constructed of concrete tiles with the walls of the dwelling constructed of red brick. To the front of the dwelling there is an area of lawn with a hard-surfaced driveway along the west elevation for the provision of parking 2-3 cars. To the rear of the dwelling the ground is part hard-surfaced and part lawn and there is an outhouse, including garage to the rear of the curtilage. The boundary along the curtilage is approximately 2m high fencing and No 26 has three gardens which back onto the north-west side of the boundary.

2 Planning History

56/04551 - for the erection of 123 houses and bungalows, UNK,11/09/1956
APP/16/00097 - Two storey rear extension., WD,16/03/2016-

In March 2016 the original application was submitted for a two storey rear extension. It was considered that the design was bulky, obtrusive, un-neighbourly and of poor design. Amendments were suggested but a suitable compromise could not be found and upon the recommendation that the application would be refused, the application was withdrawn by the applicant. In May the same amended design that was previously going to be refused was re-submitted by the applicant who felt, due to other examples within Esher Grove that the application was worth being reconsidered.

APP/16/00446 - Two storey rear extension., REF,23/06/2016

In June 2016 an application was submitted following the previous withdrawal in March. It was considered that the design, mass and bulk would still dominate the existing bungalow and cause harm to the buildings character and appearance. Furthermore the extension at first floor level was considered to be harmful to the character and appearance of the area being readily viewed from surrounding properties and from public vantage points. The design was considered unacceptable and to be contrary to the design principles set out in the Havant Borough Design Guide as the development did not reflect an acceptable dormer style extension. The applicant was given the opportunity to withdraw the application but instead chose for it to be determined as a refusal.

APP/16/00741 - Application for Certificate of Lawfulness relating to proposed extension to roof dormer on north east elevation., PERM,15/09/2016

3 Proposal

Application for Certificate of Lawful Development relating to enlargement of existing single storey extension. The works involve demolishing the existing single storey rear extension and building a larger sized extension on the ground floor to the rear of No 26.

4 Policy Considerations and Legislation

National Planning Policy Framework

Havant Borough Local Plan (Core Strategy) March 2011

Havant Borough Local Plan (Allocations) July 2014

Havant Borough Design Guide Dec 2011

Town and Country Planning (General Permitted Development) (England) Order 2015

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

None

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: 0

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 0

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' criteria in The Town and Country Planning (General Permitted Development) (England) Order 2015 and the development has been assessed against Schedule 2 Part 1 Class A.

7.4 Under Schedule 2, Part 1, Class A the extension to the rear of the property does not

meets 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.

7.5 It is therefore considered that the rear extension would not meet the requirements of Class A.

7.6 A search of the planning history has not revealed conditions that restrict 'permitted development rights'.

7.7 The height of the eaves exceeds the existing 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.

8 Conclusion

Under Schedule 2, Part 1, Class A of the The Town and Country Planning (General Permitted Development) Order 2015. It is considered that the proposed extension falls outside of the Permitted Development criteria by having an extended depth and developing above the existing eaves height and therefore planning permission is required and the certificate of lawfulness will be refused.

9 RECOMMENDATION:

That the Head of Planning be authorised to **REFUSE A CERTIFICATE OF LAWFUL USE** for application APP/16/01123 for the following reasons:-

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

SECOND SCHEDULE:

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

- 1 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 meets 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 permittable 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 then 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.