DELEGATED OFFICER REPORT

Site Address:	2A Wickor Close, Emsworth, PO10 7RG		
Proposal:	Certificate of lawfulness for proposed single storey extension.		
Application Type:	Certificate of Lawfulness		
Application No:	APP/24/00793	Expiry Date:	09/12/2024
Applicant:	Mr Raymond Paul Miles		
Agent:		Case Officer:	Robert Riley
Ward:	Emsworth		

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

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1 Site Description

1.1 The application site comprises of a bungalow located in Emsworth. To the front of the dwelling is a pebbled driveway, with garden to the rear. The property's materials feature brown brickwork for the external walls and brown concrete tiles in a gable pitched design for the roof.

1.2 The application site is in an area that would be considered both urban and residential, with the character of the street featuring bungalows with brickwork and render in evidence.

2 Planning History

2.1 None relevant.

3 Proposal

3.1 Certificate of lawfulness for proposed single storey extension.

4 Policy Considerations

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

5 Statutory and Non Statutory Consultations

5.1 Not needed for a certificate of lawful development.

6 Community Involvement

6.1 Not needed for a certificate of lawful development.

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) Principle of development

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 Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

7.4 A.1 Development is not permitted by Class A if—

(a) Permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class G, M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use);(General Permitted Development) (England) Order 2015 (changes of use). - **N/A**

(b) as a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse); - **Accords**.

(b) as a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse); - **Accords.**

(c) The height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse . - **Accords**.

(d) The height of the eaves of the extension will not exceed the highest part of the eaves of the existing dwellinghouse. - **Accords**.

(e) The enlarged part of the dwellinghouse would extend beyond a wall which— (i) forms the principal elevation of the original dwellinghouse; or (ii) fronts a highway and forms a side elevation of the original dwellinghouse; - **Accords** as Does not extend beyond either a principal elevation and does not front a highway.

(f) Subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and— (i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or (ii) exceed 4 metres in height; . – **Accords**

(g) For a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and—(i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or (ii) exceed 4 metres in height; - **Not relevant** in this application, the site is not on article 2(3) land nor a site of special scientific interest .

(h) The enlarged part of the dwellinghouse would have more than a single storey and—(i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or (ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse being enlarged which is opposite the rear wall of that dwellinghouse;- **Not relevant** in this application as the proposed extension is single storey.

(i) The enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres - The extension would be at minimum 6.5 metres from the boundary of the curtilage, with the maximum height of this extension being proposed to be 2.7 metres, as such this criterion is **met**.

(j) The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would—(i) exceed 4 metres in height, (ii) have more than a single storey, or (iii) have a width greater than half the width of the original dwellinghouse;- **Accords**

(ja) Any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (e) to (j); - **Accords** with limits set out in sub-paragraphs (e) to (j) as the extension would not adjoin any pre-existing enlargements of the dwellinghouse .

(k) It would consist of or include—(i) the construction or provision of a verandah, balcony or raised platform,(ii) the installation, alteration or replacement of a microwave antenna, (iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or (iv) an alteration to any part of the roof of the dwellinghouse.; - The proposal **meets** this as it 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; and 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.

(l) The dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses)- the dwellinghouse has **not** been built under Part 20 of this Schedule (construction of new dwellinghouses).

7.5 A2 - The application site is **not** situated within Article 2(3) land.

7.6 A3 – Conditions would be met as plans show that the rear extension would feature matching materials to the existing dwelling.

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 The proposed development falls within permitted development regulations as set out in **(Schedule 2, Part 1, Class A)** of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). Therefore, a Lawful Development Certificate **can** be issued.

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9 RECOMMENDATION:

That the Head of Place be authorised to **GRANT A CERTIFICATE OF LAWFUL USE** for application APP/24/00793

FIRST SCHEDULE:

This certificate relates to the following development:

Certificate of lawfulness for proposed single storey extension. as described in the written particulars, plans and other documents submitted with your application received on 25 September 2024.

SECOND SCHEDULE:

This certificate relates to land at 2A Wickor Close, Emsworth, PO10 7RG as shown edged red on the submitted Location Plan received 25 September 2024.

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 part 7 of the 1990 Act on that date.

(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.