

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.

7.4 Under Class A the proposed elevation alterations meet the following tests:

(a) Permission to use the dwellinghouse as a dwellinghouse has not been granted only by virtue of Class M, N, P or Q of Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (changes of use)

(b) Not relevant in this application

(c) Not relevant in this application

(d) Not relevant in this application

(e) Not relevant in this application

(f) Not relevant in this application

(g) Not relevant in this application

(h) Not relevant in this application

(i) Not relevant in this application

(j) Not relevant in this application

(k) The proposal 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; it 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 was not built under part 20 of the GPDO

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

7.6 A3 Conditions:

(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 agent has confirmed all materials will match the existing property.

(b) - any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be—

(i) obscure-glazed, and

(ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed

The plans and documents submitted with the application has shown that conditions A.3 b) i) and ii) would be met

(c) Not relevant in this application

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.

9 RECOMMENDATION:

That the Head of Place be authorised to **GRANT A CERTIFICATE OF LAWFUL USE** for application APP/24/00503

FIRST SCHEDULE:

This certificate relates to the following development:

Application for certificate of lawfulness relating to proposed alterations to elevations, as described in the written particulars, plans and other documents submitted with your application received on 27 June 2024.

SECOND SCHEDULE:

This certificate relates to land at 45 Great Copse Drive, Havant, PO9 5BZ as shown edged red on the submitted Location Plan received 27 June 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.