

DELEGATED OFFICER REPORT

Site Address:	14 Laburnum Grove, Hayling Island, PO11 9DR		
Proposal:	Application for Lawful Development Certificate for proposed swimming pool within a building in the rear garden of the property.		
Application Type:	Certificate of Lawfulness		
Application No:	APP/24/00801	Expiry Date:	22/11/2024
Applicant:	Mr Johnson		
Agent:	Mr Murray	Case Officer:	Jennie Fox
	I J Murray Associates Ltd		
Ward:	Hayling East		

Recommendation: GRANT A CERTIFICATE OF LAWFUL USE

1 Site Description

- 1.1 14 Laburnum Grove, Hayling Island is a detached chalet bungalow style dwelling located to the west of Laburnum Grove. The property is finished in cream render beneath a concrete tiled roof and faces directly east to Laburnum Grove. Vehicular and pedestrian access is from Laburnum Grove, with the driveway to the north boundary of the application site.
- 1.2 The west boundary line of the rear garden is slightly slanted. At the shortest point the rear garden of the application site is some 21m long and is enclosed by close-boarded fencing.
- 1.3 The site is not within either a Conservation Area or the Chichester harbour AONB and lies beyond current day flood zones 2 and 3, and also beyond the future flood zone.

2 Planning History

APP/11/01198 - Demolition of garage, store and conservatory to rear and sides. Two storey rear and side extension including new car port, raised roof height to allow loft conversion including dormers to east (front) and west (rear), including first floor windows and rooflights. , PERM,07/09/2011
APP/13/00450 - Discharge of Condition No. 3 of Planning Permission APP/11/01198., PERM.08/10/2013

3 Proposal

Application for Lawful Development Certificate for proposed swimming pool within a building in the rear garden of the property.

4 Policy Considerations

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

5 Statutory and Non Statutory Consultations

Not required.

6 Community Involvement

Not required for a Certificate of Lawful Proposed Use or Development.

7 Planning Considerations

7.1 Having regard to the relevant legislation it is considered that the main issues arising from this application are:

(i) Whether the development would be development allowed under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.

7.2 The proposed development is for a detached outbuilding to house a swimming pool. As such it falls to be considered against the Town and Country Planning (General Permitted Development) (England) Order 2015, Class E - the provision within the curtilage of the dwellinghouse of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse.

7.3 The proposal has been considered against the restrictions for development provided by E.1, the response to which are detailed below:

(a) Permission to use the dwellinghouse as a dwellinghouse has **not** been granted only by virtue of Class G, M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use);

(b) The proposed outbuilding will **not** result in over 50% of the total area of the curtilage being covered by buildings (excluding the original dwellinghouse).

(c) The outbuilding would **not** be sited on land forward of a wall forming the principal elevation of the original dwellinghouse.

(d) The outbuilding would **not** have more than one storey.

(e) The height of the outbuilding would **not** exceed 4m in height as a dual-pitched roof; and is **not** within 2 metres from any boundary.

(f) The height of the eaves would **not** exceed 2.5 metres.

(g) The outbuilding would **not** be sited on land within the curtilage of a Listed Building.

(h) The proposal does **not** include the construction or provision of a verandah, balcony or raised platform.

(i) The proposal does **not** relate to a dwelling or microwave antenna.

(j) N/A

(k) N/A

7.4 E.2- The property is **not** located within an area of outstanding natural beauty, the broads, a national park or a world heritage site.

7.5 E.3- The property is **not** located within Article 2(3) Land

7.6 E.4 The details submitted indicate that the outbuilding will be used to house a swimming pool. A small wc and shower area is proposed as part of the use of the pool but no habitable accommodation is included. This therefore represents a use incidental to the enjoyment of the dwellinghouse and it shall not be used as a self contained unit of accommodation.

- 7.7 A search of the planning history has not revealed conditions that restrict "Permitted Development" rights nor is the dwelling part of any relevant Article 4 direction.

8 Conclusion

- 8.1 The proposed development falls within Permitted Development allowances as set out in Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) 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/24/00801.

FIRST SCHEDULE:

This certificate relates to the following development:

Application for Lawful Development Certificate for proposed swimming pool within a building in the rear garden of the property, as described in the written particulars, plans and other documents submitted with your application received on 27 September 2024.

SECOND SCHEDULE:

This certificate relates to land at 14 Laburnum Grove, Hayling Island, PO11 9DR as shown edged red on the submitted Location Plan received 27 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.