

DELEGATED OFFICER REPORT

Site Address:	2 Alexandra Avenue, Hayling Island, PO11 9AL		
Proposal:	Application for Lawful Development Certificate for proposed garden room.		
Application Type:	Certificate of Lawfulness		
Application No:	APP/24/00628	Expiry Date:	23/10/2024
Applicant:	Mr N Sayers		
Agent:		Case Officer:	Tina Pickup
Ward:	Hayling West		

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

1 Site Description

- 1.1 2 Alexandra Avenue, Hayling Island is a detached chalet style dwelling located on the corner of Alexandra Avenue and Hollow Lane. The property is constructed of red brick beneath a plain tiled roof and is sited at a slight angle, but approximately aligned with the other properties in Hollow Lane. Vehicular access to the dwelling is taken off Alexandra Avenue, at the northern end, serving a graveled parking and turning area to the north of the dwelling.
- 1.2 The rear garden is some 28m long and enclosed by hedges. There are also 5 Tree Preservation Orders on trees within the rear garden - 4 Sycamore trees and one Mulberry. However the Mulberry tree was declared Dangerous, Diseased, Dead (DDD) in June 2023 and has been removed.
- 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.
- 1.4 Planning permission has recently been granted for extensions and alterations to the main dwelling on the site, with replacement garage, but these have not yet been implemented. Planning permission has also recently been refused (18/4/24) for a new chalet dwelling sited at the southern end of the site and accessed off Alexandra Avenue.

2 Planning History

98/62754/001 - Outline application for the construction of a detached two bedroom bungalow with new access onto Alexandra Avenue, REF,03/04/1998
97/62754/000 - Outline application for the construction of a detached two bedroom bungalow and garage with new access onto Alexandra Avenue, REF,24/11/1997
APP/23/00514 - There are a further two sycamores at the end of the garden, completely overgrown and need cutting back. All the trees are so tall that the house is permanently in the shade. MY immediate concern is the Dangerous condition of the mulberry tree in the middle of the garden. This tree needs to be disposed of immediately, UNK,
APP/23/00555 - T1 Mulberry- fell. Large split on main stem being propped up with some timber. High risk of falling. Subject to TPO1680., WD,04/08/2023
APP/23/00589 - T5 Sycamore (T1 on plan) - Reduce crown height by 4 m leaving crown height of 11 metres and crown spread of 3 metres to east and west sectors, leaving width of 6 m.T4 Sycamore (T2 on plan) - Reduce crown height by 4 m leaving crown height of 10 metres and spread by 2 metres on east sector, leaving width of

4m. Both trees subject to TPO 1680., PERM,27/06/2024

APP/23/00680 - Single and two storey rear extension, revised porch, internal remodelling, demolition of existing single garage and construction of new double garage., PERM,22/11/2023

APP/24/00056 - Erection of 1No. 3 bed chalet bungalow with new access to Alexandra Avenue., REF,18/04/2024

3 Proposal

Application for Lawful Development Certificate for proposed garden room.

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 be used as a childrens playroom and for leisure activities, come garden room. 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 as a childrens playroom and for leisure activities, come garden room. A wc is proposed but no habitable accommodation. 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.

9 RECOMMENDATION:

That the Head of Place be authorised to **GRANT A CERTIFICATE OF LAWFUL USE** for application APP/24/00628

FIRST SCHEDULE:

This certificate relates to the following development:

Application for Lawful Development Certificate for proposed garden room, as described in the written particulars, plans and other documents submitted with your application received on 31 July 2024 and 25 October 2024.

SECOND SCHEDULE:

This certificate relates to land at 2 Alexandra Avenue, Hayling Island, PO11 9AL as shown edged red on the submitted Location Plan received 31 July 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.