



### **3 Proposal**

Application for Lawful Development Certificate (LDC) relating to single storey ground floor extension [Amended description].

### **4 Policy Considerations**

National Planning Policy Framework (NPPF)  
Town and Country Planning (General Permitted Development) (England) Order 2015  
(As amended)

Listed Building Grade: Not applicable.  
Conservation Area: Not applicable

### **5 Statutory and Non Statutory Consultations**

Not relevant for an application for a Certificate of Lawfulness for proposed development.

### **6 Community Involvement**

Not relevant for an application for a Certificate of Lawfulness for proposed development.

### **7 Planning Considerations**

- 7.1 In having due regard to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) – hereon referred to as the **GPDO** – and the relevant policies in the development plan, it is considered that main issue arising from this application is the principle of development.

#### Principle of Development

- 7.2 The proposed development would comprise the construction of a single storey, mono-pitched, rear extension comprising a depth, width, eaves height, and maximum height of approximately 2.4m, 4.8m, 2.3m eaves height, and 3.5m maximum height respectively. The proposed rear extension would not include any windows and/or doors on the external walls but, instead, would include two rooflights on the proposed north-eastern, mono-pitch, roof slope.
- 7.3 The enlargement, improvement, and/or alteration of a dwellinghouse is set out under **Schedule 2, Part 1, Class A** of the Town and Country Planning (General Permitted Development) (England) Order 2015 – also known as the **GPDO**. A search of the planning history of the site (see Section 2 above) has not revealed any conditions that would restrict the permitted development rights (PDR) set out under Schedule 2, Part 1, Class A in the GPDO.

#### Schedule 2, Part 1, Class A - Enlargement, Improvement & Alterations to Dwellinghouses

- 7.4 The proposed single storey, mono-pitched, rear extension has been assessed against the following criteria and conditions under Class A as follows:

**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 M, N, P, PA, or Q of Part 3 of this Schedule (Change of Use).**

This is not applicable to the proposed development.

**(b) As a result on the works, the total area of ground covered by building 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).**

The proposed development would not result in the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) exceeding 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse).

**(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.**

The proposed development is a single storey rear extension and, therefore, would not exceed the height of the highest part of the roof of the existing two-storey dwellinghouse.

**(d) The height of the eaves of the part of the dwellinghouse enlarged, improved, or altered would exceed the height of the eaves of the existing dwellinghouse.**

The eaves height (approx. 2.3m) of the proposed single storey rear extension would not exceed the eaves height of the existing two-storey dwellinghouse

**(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.**

The proposed rear extension would not extend beyond a wall which forms the principal elevation of the main dwellinghouse, and it would not extend beyond a wall which fronts a highway and forms a side elevation of the main dwellinghouse.

**(f) 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.**

The existing dwellinghouse is an end-of-terrace property. The proposed single storey rear extension would have a depth and maximum height of approximately 2.4m and 3.5m respectively. As such, the proposed development would not extend beyond the existing rear wall by more than 3 metres, and it would not exceed the 4m height limit.

**(g) For a dwellinghouse not on Article 2(3) land, nor on a Site of Special Scientific Interest (SSSI), 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.**

This is not applicable to the proposed development.

**(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 the dwellinghouse.**

This is not applicable to the proposed development as the proposal is for a single storey rear extension.

**(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 proposed eaves height (approx 2.3m) would not exceed the 3 metre limit.

**(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.**

This is not applicable to the proposed development as the proposal is for a single storey rear extension.

**(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).**

The proposed development would not connect to any previous extensions (i.e., those permitted under ref. APP/21/00984).

**(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.**

This is not applicable to the proposed development.

**A.2 In the case of a dwellinghouse on Article 2(3) land, development is not permitted by Class A if –**

- (a) It would consist of, or include, the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tile;**
- (b) The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse;**
- (c) The enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse; or**
- (d) Any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceed or would exceed the limits set out in sub-paragraphs (b) to (c).**

The site is close to, but is not in, the Chichester Harbour Area of Outstanding Natural Beauty (AONB) and the Emsworth Conservation Area. As such, the site does not comprise Article 2(3) land and, therefore, Criterion A.2 is not applicable to the proposed development.

**A.3 Development is permitted by Class A subject to the following conditions –**

- (a) The materials used in any exterior work (other than materials used in the construction of a conservatory) shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.**

The Amended Proposed Elevations (Drg No: 5757-1210-E) show that the proposed development would comprise bricks, render and tiles to match the main dwellinghouse.

- (b) Any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse shall 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.**

This is not applicable to the proposed development.

- (c) Where the enlarged part of the dwellinghouse has more than a single storey, or forms an upper storey on an existing enlargement of the original dwellinghouse, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.**

This is not applicable to the proposed development.

## **8 Conclusion**

- 8.1 The proposed development would fall within the permitted development allowances as set out under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Therefore, a Lawful Development Certificate (LDC) **can** be issued.
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## **9 RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT A CERTIFICATE OF LAWFUL USE** for application APP/22/00679 for the following reason:

The proposed development falls within the permitted development allowances as set out under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

### **FIRST SCHEDULE:**

This certificate relates to the following development:

Application for a Lawful Development Certificate (LDC) relating to a single storey ground floor extension [Amended description] as described in the written particulars and plans published on 22 September 2022, and 06 and 14 October 2022, which are replicated as follows:

Drg No: 5757-1100-D – Amended Proposed Floor Plans

[Published 06 October 2022] (Excluding rear dormer)

Drg No: 5757-1150-E – Amended Existing & Proposed Site Plans

[Published 14 October 2022] (Excluding rear dormer and garage/outbuilding)

Drg No: 5757-1200-B – Existing Elevations

[Published 22 September 2022] (see ref. APP/21/00984)

Drg No: 5757-1210-E – Amended Proposed Elevations

[Published 06 October 2022] (Excluding rear dormer)

### **SECOND SCHEDULE:**

This certificate relates to land at 5 Westgrove Gardens, Bridge Road, Emsworth, PO10 7DR as shown edged red on the submitted Amended Existing & Proposed Site Plans (Drg No: 5757-1150-E) published on 14 October 2022.

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**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.