
Site Address:	21 Ireland Way, Waterloooville, PO7 7NP		
Proposal:	Certificate of Lawfulness- Proposed Erection of front porch.		
Application Type:	<Appntype/D>		
Application No:	APP/24/00304	Expiry Date:	10/06/2024
Applicant:	Mr & Mrs Waddon		
Agent:	Mr Holland-May	Case Officer:	<CaseOfficer/D>
	AM Design		
Ward:	Stakes		

Recommendation: <AnISCommDcnTyp>

1 Site Description

21 Ireland Way, Waterloooville, PO7 7NP

2 Planning History

02/67437/000 - Erection of a single storey extension to rear., PERM,08/07/2002

3 Proposal

Certificate of Lawfulness- Proposed erection of front porch.

4 Policy Considerations

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

5 Statutory and Non Statutory Consultations

Not required for a Certificate of Lawful Development.

6 Community Involvement

Not required 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 D of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). A search of the planning history has not revealed any conditions that restrict permitted development rights.

7.4 Under Schedule 2, Part 1, Class D the proposed porch meets the following tests:

D.1 Development is not permitted by Class D 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);

Not applicable in this application.

(b) the ground area (measured externally) of the structure would exceed 3 square metres;

The proposed porch would not exceed 3 square metres.

(c) any part of the structure would be more than 3 metres above ground level; or

The proposed porch would not be more than 3 metres above ground level.

(d) any part of the structure would be within 2 metres of any boundary of the curtilage of the dwellinghouse with a highway.; or

The proposed porch would not be within 2 metres of any boundary of the curtilage of the dwellinghouse with a highway.

(e) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses)

Not applicable in this application.

8 Conclusion

8.1 The proposed development falls within permitted development regulations as set out in Schedule 2, Part 1; Class D 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 <AnISCommDcnTyp> for application APP/24/00304

FIRST SCHEDULE:

This certificate relates to the following development:

Certificate of Lawfulness- Proposed Erection of front porch as described in the written particulars, plans and other documents submitted with your application received on 15 April 2024.

SECOND SCHEDULE:

This certificate relates to land at 21 Ireland Way, Waterloooville, PO7 7NP as shown edged red on the submitted Location Plan received 15 April 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.