
Site Address: 66 Staunton Avenue, Hayling Island, PO11 0EW
Proposal: Application for Certificate of Lawfulness relating to existing single storey rear extension.
Application Type: Certificate of Lawfulness
Application No: APP/21/01316 Expiry Date: 07/02/2022
Applicant: Mr and Mrs Lane
Agent: Mr Walker Case Officer: Denise Sheath
 Parkers Design
Ward: Hayling West

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

1 Site Description

66 Staunton Avenue, Hayling Island, PO11 0EW

2 Planning History

APP/21/00985 - Replacement of front boundary wall with a crinkle crankle/serpentine wall of 1.8 metres in height. PERM,17/11/2021

APP/21/01126 - New entrance porch, new front bay window, single storey side/rear extension. Raising of the roof ridge height and the installation of 1No. new roof light to the north and west elevations and replace the existing rooflight within the southern roof slope in the same position. (Part retrospective). PERM,05/04/2022

3 Proposal

- 3.1 Section 191 application for a Lawful Development Certificate to establish whether the existing single storey rear extension would be classed as permitted development under the Town and Country Planning (General Permitted Development) (England) Order 2015.

4 Legislation

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

5 Statutory and Non Statutory Consultations

Not required

6 Community Involvement

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 0

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 1

Objection Received:

I write in connection with the proposed application for an extension to the property which is next door to our residence. The proposal will entirely change the natural light afforded to our main living spaces which as (redacted) is where we spend many hours of the day. It will also be an invasion of our privacy should any overlooking windows be included. We believe the lack of natural light, and heat lost in the event our light is effectively 'blacked out' may also be detrimental to our health and happiness, and even result in higher costs to heating which are difficult enough at this time. We have been rate payers at the property for over 40 years and believe that such an extension to what an enormous property is not needed and should therefore be refused. My son (Redacted) has written this letter on my behalf and will copy his email into the process in order to help with explanation to us who are not entirely computer literate. We have become confused when trying to view the planning drawings and what is actually going to take place, therefore a lay-man's explanation may be of benefit. I am (Redacted), we have found the process quite distressing thus far.

Officers Comments:

The application is only to determine whether the proposal would have fell within the permitted development criteria set out within Schedule 2 Part 1 Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). Any planning points raised cannot be considered, as this is not a planning application.

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) Whether the development would require planning permission
- 7.2 The proposal has been assessed against the 'permitted development' allowances in The Town and Country Planning (General Permitted Development) (England) Order 2015.
- 7.3 The development has been assessed against Part 1 Class A.

7.4 Under Class A the existing single storey rear extension meets the following tests:

- (a) Permission to use the dwellinghouse as a dwellinghouse has not been granted only by virtue of Class M, MA, N, P, PA or Q of Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (changes of use)
- (b) The extension will not result in over 50% of the total area of the curtilage being covered by buildings (excluding the original dwellinghouse)
- (c) The height of the extension will not exceed the highest part of the roof of the existing dwellinghouse
- (d) The height of the eaves of the extension will not exceed the highest part of the eaves of the existing dwellinghouse
- (e) The extension will not extend beyond a wall which forms either the principle elevation of the original dwellinghouse or fronts a highway and forms a side elevation of the original dwellinghouse
- (f) The extension will have a single storey and will not extend more than 4m from the rear wall of the existing dwellinghouse, nor will it exceed 4m in height
- (g) Not relevant in this application as within permitted development limits
- (h) Not relevant in this application as the extension is single storey
- (i) Not relevant as the extension is not within 2m of any boundary.
- (j) Not relevant in this application as the development will be located to the rear of the dwelling
- (ja) Not relevant not joined to an existing enlargement
- (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) No relevant as dwellinghouse not built under part 20 of GPDO

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

7.6 A3 - The plans submitted demonstrate that the conditions in A3 would be met.

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 existing 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 Planning be authorised to **GRANT A CERTIFICATE OF LAWFUL USE** for application APP/21/01316

FIRST SCHEDULE:

This certificate relates to the following development:

Application for Certificate of Lawfulness relating to existing single storey rear extension as described in the written particulars, plans and other documents submitted with your application received on 07 June 2022 .

SECOND SCHEDULE:

This certificate relates to land at 66 Staunton Avenue, Hayling Island, PO11 0EW as shown edged red on the submitted Location Plan received 07 June 2022.

OTHER IMPORTANT INFORMATION:

- (1) This Certificate is issued solely for the purpose of Sections 191 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 191 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 191(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.