
Site Address:	29 Fortunes Way, Havant, PO9 3LX		
Proposal:	Application for Certificate of Lawful proposed development relating to replacement garage incorporating new home office.		
Application No:	APP/13/00633	Expiry Date:	21/08/2013
Applicant:	Mr Wilson	Team:	Team 1
Agent:	Miss Leadbetter	Case Officer:	Stephen Andrews
	Architectural Services		
Ward:	Bedhampton		

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

1 Site Description

The application site is located within the settlement area of Havant and is residential in nature. The site contains a two storey semi-detached dwelling of brick and plain tile construction, positioned on the north side of Fortunes Way. The dwelling has on site parking to the front, with vehicular access and detached garage to the rear also. There is also a single storey rear extension and single storey lean to extension to the side.

The application site slopes steeply up from the front to the rear (south to north) giving it an elevated position compared to dwellings to the south.

2 Planning History

None relevant

3 Proposal

Section 192 application for a Lawful Development Certificate to establish whether the proposed replacement detached garage, incorporating home office, is considered to be classed as permitted development under the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008, which is an amendment to the Town and Country Planning (General Permitted Development) Order 1995.

The dimensions proposed are 5.1m in depth, 6.1m in width and 2.5m in height (measured from the highest point of the land).

4 Policy Considerations

National Policies

N/A

Core Strategies 2011 forming part of the HBLDF

N/A

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

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: 4

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 0

7 Principal Issues

This application seeks a certificate of lawfulness for a proposed use or development comprising of the demolition of the existing detached garage and erection of a single storey detached garage and home office.

The first aspect to consider is whether the work proposed constitutes development within the meaning of the Town and Country Planning Act 1990 as amended. If it does not constitute development a Certificate of Lawful Proposed Development should be issued confirming development is not involved.

The proposed operation does fall within the definition of development under Section 55 of the Town and Country Planning Act 1990, for which planning permission is required. Therefore the principal issue in this case is whether the development is permitted development under Article 3 and Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).

Three steps are taken in determining whether the proposal would be permitted development:

1. Any previous planning permissions are checked for planning conditions preventing the proposal;
2. Any Article 4 directions covering the site are checked;
3. Compliance with the Town and Country Planning (General Permitted Development) Order 1995 (as amended) Schedule 2, Part 1, Class E is assessed.

PLANNING CONDITIONS PREVENTING THE PROPOSAL

None

ARTICLE 4 DIRECTIONS

None preventing the proposal.

**COMPLIANCE WITH GPDO 1995 Schedule 2, Part 1, Class E (as amended) -
erection of a single storey detached garage and home office.**

Class E allows for the following permitted development:

The provision within the curtilage of the dwellinghouse of -

- (a) any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure; or**
- (b) a container used for domestic heating purposes for the storage of oil or**

liquid

petroleum gas.

Development not permitted

E.1. Development is not permitted by Class E if-

(a) the total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);

The proposal would not exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse).

(b) Any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse;

It would not

(c) The building would have more than one storey;

It would not

(d) The height of the building, enclosure or container would exceed -

(i) 4 metres in the case of a building with a dual pitched roof,

(ii) 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse, or

(iii) 3 metres in any other case.

The proposal would have a flat roof and be located within 2 metres of the boundary of the curtilage of the dwellinghouse. The height of the building, when measured from the highest point of the land (in accordance with the requirements of the GPDO) does not exceed 2.5 metres in height.

(e) The height of the eaves of the building would exceed 2.5 metres;

It does not.

(f) the building, enclosure, pool or container would be situated within the curtilage of a listed building;

It is not.

(g) It would include the construction or provision of a veranda, balcony or raised platform,

It would not.

(h) It relates to a dwelling or a microwave antenna,

It does not.

(i) the capacity of the container would exceed 3,500 litres

N/A

For the purposes of E.2 and E.3 the site is not a World Heritage Site, a National Park, an Area of Outstanding Natural Beauty, or the Broads or within article 1(5) land. The criteria of E.2 and E.3 do not therefore apply to this proposal.

8 Conclusion

The proposal, as shown in the submitted plans, is development permitted under Article 3 and Schedule 2, Part 1, Class E (development within the curtilage of a dwellinghouse) of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).

9 RECOMMENDATION:

That the Executive Head of Planning and Built Environment be authorised to **Grant a Certificate of Lawful Development** for application APP/13/00633 as set out in Article 3 and Schedule 2, Part 1, Class E (development within the curtilage of a dwellinghouse) of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).

Havant Borough Council, as Local Planning Authority, certifies that on 15 August 2013 the development described in the First Schedule to this certificate in respect of land described in the Second Schedule and edged in red on the submitted Location Plan (1:1250) and Block Plan (1:500) drawings (unnumbered) stamped 26 June 2013 would have been lawful within the meaning of section 192 of the Town and Country Planning Act 1990 (as amended) for the following reason:

The proposed detached single storey garage with home office within the curtilage of 29 Fortunes Way, Havant is permitted development by virtue of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the No. 2 (England) Order 2008.

FIRST SCHEDULE:

This certificate relates to the following development:

Detached single storey garage with home office, as shown on submitted drawing 'Proposed Garage/Office Plan - Stamped 26 June 2013 and Proposed Elevations - Stamped 26 June 2013

SECOND SCHEDULE:

29 Fortunes Way, Havant, Hampshire PO9 3LX, as shown edged in red on submitted plan Location Plan (1:1250) and Block Plan (1:500) - Stamped 26 June 2013.