

single storey side (east) extension measuring 5.059m wide x depth of existing property 6.55m, with flat roof of height 2.8m (to be no higher than ridge of existing)
single storey rear extension (north) measuring 4m deep x full width of the bungalow (9.7m) with flat roof of height 2.8m (to be no higher than ridge of existing)
and a front porch (south) measuring no more than 3 sqm with flat roof of height 2.8m (to be no higher than ridge of existing)

4 Legislation

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

5 Policy Considerations

None

6 Statutory and Non Statutory Consultations

It is noted that the site falls adjacent the Priority Habitat of Coastal and Floodplain Grazing Marsh

Havant Council Tax - none received

Solicitor/Legal View - Definition of Principal Elevation explored and Case Law studied - in most cases the principal elevation will be that part of the house which fronts (directly or at an angle) the main highway serving the house (the main highway will be the one that sets the postcode for the house concerned). It will usually contain the main architectural features such as main bay windows or a porch serving the main entrance to the house. Usually, but not exclusively, the principal elevation will be what is understood to be the front of the house.

There will only be one principal elevation on a house. Where there are two elevations which may have the character of a principal elevation, for example on a corner plot, a view will need to be taken as to which of these forms the principal elevation.

Concluded - Whilst cases are not the same as 54 Eastoke Avenue, nonetheless make it clear that it is a matter of judgement in the circumstances of each case. Looking at the photographs, I agree that it appears that the south elevation is most likely the principal elevation. It contains the entrance door and a small wall behind the bin, so following the technical guidance, it contains the main architectural features such as main bay windows or a porch serving the main entrance to the house

7 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: 3

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 1

Summary: Objections to original plans: plans do not show static caravans adjacent and 2m gap too close, extensions will be imposing; overdeveloped; site has ample space to extend to the south and west rather than east and north; detrimental to street view as too close to neighbour and destroy layout of area; close proximity also a fire and explosion hazard with gas cylinders stored; area also a flood zone so need space for flood prevention and rescue services; historic bungalow should be preserved/restored to maintain Hayling's heritage; understand that internal walls and garage roof asbestos which needs to be removed appropriately; affect overall appearance; only 2-3m from door & spoil views & cast shade; sensitivity needed; right to light rule in 1832 Act

Comment: These issues will be covered below.

8 Planning Considerations

8.1 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 be development allowed under the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015.

8.2 The amended proposed development is for 2 separate single storey extensions and a porch, and as such it falls to be considered against The Town and Country Planning (General Permitted Development) (England) Order 2015, Part 1- Development within the curtilage of a dwellinghouse; Class A - enlargement, improvement or other alteration of a dwellinghouse; and Class D - porches.

8.3 The original submission did not comply with Class A due to a debate over what constituted the Principal Elevation. The agent had assumed the Principal Elevation faced the highway i.e. was the west elevation - but this elevation only contains 2 windows and no other features or points of access. The south elevation contains a door to a kitchen, a wall leading to that door and is adjacent the parking area and vehicular access to the site. The bins appear to be collected from this side. Therefore it is likely that this south side comprises the 'activity' area and day to day entrance function for the site. Whilst the north elevation also contains a door, this is accessed only by a pedestrian path across what is perceived as the private garden area. A legal view was sought and after taking into account the guidance contained within the Government's Permitted Development Rights for Householders Technical Guidance, 2016 document and Case Law, it was concluded that a judgment is necessary and since the main architectural features are on the south elevation then this was most likely to be the Principal Elevation in this case.

8.4 In light of this view of the Principal Elevation the plans were amended to comply with Class A and Class D.

8.5 The proposal for the 2 extensions has therefore been re-considered against the restrictions for development provided by **A.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 M, N, P 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 extensions do not extend beyond a wall that forms the Principal Elevation or fronts a highway
 - (f) The extension will have a single storey and will not extend more than 4m from the rear wall (north) of the existing dwellinghouse, nor will it exceed 4m in height
 - (g) N/A
 - (h) N/A
 - (i) The extensions are within 2m of the boundary of the curtilage of the site (1.4m in the north-east corner) but the height of the eaves is less than 3m (2.8m).
 - (j) The side extension (east) does not exceed 4m in height; is single storey only and its width is no greater than half the width of the original house (original width is 10.2m and proposed width is 5.059m)
 - (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

8.6 **A.2** - The site is not on article 2(3) land

8.7 **A3 Conditions** - The plans submitted demonstrate that the relevant conditions in A3 would be met i.e. the materials would match the existing.

8.8 Accordingly the proposed two extensions are considered to comply with Class A.

8.9 In terms of the proposed porch Class **D.1**:

- (a) Permission to use the dwellinghouse as a dwellinghouse has not been granted only by virtue of Class M, N, P or Q of Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (changes of use)
- (b) The ground area measured externally will not exceed 3sqm
- (c) No part of the structure would be more than 3m high (height matched roof of dwelling at 2.8m)
- (d) No part of the structure is within 2m of the boundary of the curtilage with a highway

8.10 A search of the planning history has not revealed conditions that restrict 'permitted development' rights, nor is the dwelling part of an Article 4 direction.

9 **Conclusion**

The amended proposed development falls within permitted development allowance as set out in Schedule 2, Part 1, Class A and Class D of the Town and Country Planning (General Permitted Development) (England) Order 2015. The Lawful Development Certificate can therefore be issued.

9 **RECOMMENDATION:**

That the Executive Head of Planning and Economy be authorised to **Grant a Certificate of Lawful Development** for application APP/16/00562

Havant Borough Council, as Local Planning Authority, certifies that on 12 August 2016 the development described in the First Schedule to this certificate in respect of land described in the Second Schedule and edged in red on submitted plan 'Site Location Plan' 1:1250 is lawful within the meaning of section 192 of the Town and Country Planning Act 1990 (as amended) for the following reason:

The proposed single storey side extension to original house on east elevation; proposed single storey rear extension to original house on north elevation; and proposed porch on south elevation (amended proposal) at 54 Eastoke Avenue, Hayling Island is permitted development by virtue of Schedule 2, Part 1, Classes A and D of the Town and Country Planning (General Permitted Development) (England) Order 2015.

FIRST SCHEDULE:

This certificate relates to the following development:

Proposed single storey side extension to original house on east elevation; proposed single storey rear extension to original house on north elevation; and proposed porch on south elevation (amended proposal) as shown on submitted drawings: Permitted Development Application Drawing 2/2 Drawing No AB Rev A, received 12th August 2016

SECOND SCHEDULE:

This certificate relates to land at 54 Eastoke Avenue, Hayling Island, PO11 9QP, as shown edged red on the submitted 1:1250 Site Location Plan