
Site Address:	23 Bellair Road, Havant, PO9 2RG		
Proposal:	Lawful development certificate for proposed replacement rear conservatory.		
Application No:	APP/15/01330	Expiry Date:	25/01/2016
Applicant:	Mr & Mrs Maxwell-Cox	Team:	Team 1
Agent:	Mr Dodds	Case Officer:	Bee Crawford
	C.P. Architectural Ltd		
Ward:	St Faiths		

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

• **1 Site Description**

- 1.1 The application site is an older style large detached two storey property and detached garage with a red tiled pitched roof and elevations of red multibrick and white render. The site is level and the rear garden which has a depth in excess of 40 metres is mainly laid to lawn with areas of mature trees and shrubs. It is enclosed by a 1.8 metre high wall and mature shrubs to all boundaries.
- 1.2 Large detached two storey properties are to the north, south and opposite the site and the Hayling Billy Trail is to the rear. The area is of low to medium density with large detached two storey properties of similar and individual age, style and design and a detached modern three storey care home.

2 Planning History

None relevant to this application.

3 Proposal

- 3.1 Section 192 application for a Lawful Development Certificate to establish whether the proposed replacement conservatory to 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.

5 Statutory and Non Statutory Consultations

None 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: 2

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 0

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 proposed 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, 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 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) Although the extension will be within 2m of the boundary of the curtilage, the eaves height will not exceed 3m

(j) Not relevant in this application as the development will be located to the rear of the dwelling

(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

- 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 There is sufficient evidence as detailed in the submitted documentation to prove that the addition of a replacement conservatory to the rear of the property is permitted development under the Town and Country Planning (General Permitted Development) (England) Order 2015, Part 1 'Development within the curtilage of a dwelling house', Class A.1.

9 RECOMMENDATION:

That the Executive Head of Planning and Built Environment be authorised to Grant a Certificate of Lawful Development for application APP/15/01330 subject to the following condition (a) as set out in the Town and Country Planning (General Permitted Development) (England) Order 2015, Part 1 'Development within the curtilage of a dwelling house', Class A.1.

- a) the materials used in any exterior work (other than those 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 dwelling house.

FIRST SCHEDULE:

This certificate relates to the following development:
Proposed replacement conservatory to the rear of the property as described in the written particulars, plans and other documents submitted with your application received on 30 November 2015.

SECOND SCHEDULE:

This certificate relates to land at 23 Bellair Road, Havant, PO9 2RG, as shown edged red on the submitted Location Plan received 30 November 2015.

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 section 172 of the 1990 Act on 27 November 2015.
- (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.