
Site Address:	76 Bosmere Gardens, Emsworth, PO10 7NR		
Proposal:	Application for Lawful Development Certificate relating to single storey rear extension.		
Application No:	APP/15/00784	Expiry Date:	08/09/2015
Applicant:	Mr J Dirkin	Team:	Team 2
Agent:	Mr S Starkey	Case Officer:	Emma Chisnall
Ward:	Emsworth		

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

1 Site Description

76 Bosmere Gardens is a large semi-detached property built of brick walls with a tiled roof. The proposal of the extension will be built with matching materials to the original dwelling and there appears to be adequate space to the rear of the property to accommodate the development. The development would not cause any overshadowing or overlooking to the neighbouring properties as there would be no windows to the side. There is an adequate distance of 8 metres between the development at No 76 and the neighbouring property No 74 and the extension appears to be a logical development to consider.

2 Planning History

None

3 Proposal

Section 192 application for a Lawful Development Certificate to establish whether the proposed extension outlined in paragraph 3.2 will be 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.

3.2 A - Single Storey Rear Extension

4 Policy Considerations

None

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: 0

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 0

7 Planning Considerations

7.1 It is considered that the main issues arising from this application are:

(i) Whether planning permission is required

7.2 The proposed alteration should be considered against Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). The permitted development Classes are written as to allow for all types of development described within the title of the Class unless the development would fall foul of the listed criteria. Therefore unless it is clear that a proposed development would fail to comply with the relevant criteria contained within a Class, the development should be held to constitute permitted development i.e. the default position is permitted development, not the need for planning permission.

7.3 Class A states that development is not permitted if:

a. as a result of the works, the total area of ground covered by buildings within the curtilage of the dwelling house (other than the original dwelling house) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);

b. the height of the part of the dwelling house enlarged, improved or altered would exceed the highest of the highest part of the roof of the existing dwelling house;

c. the height of the eaves of the part of the dwelling house enlarged, improved or altered would exceed the height of the eaves of the existing dwelling house;

d. the enlarged part of the house would extend beyond a wall which i) fronts a highway, and ii) forms either the principal elevation or a side elevation of the original dwelling house.

e. the enlarged part of the house would have a single storey and i) extend beyond the rear wall of the original house by more than 4m in a detached house and 3m in the case of any other type of house or ii) exceed 4m in height.

f. the enlarged part of the dwelling house would have more than one storey and i) extend beyond the original rear wall by 3m, or ii) be within 7m of any boundary of the curtilage of the house opposite the rear wall of the house.

g. the enlarged part of the dwelling house would be within 2m of the boundary of the curtilage of the house and the height of the eaves of the enlarged part would exceed 3m.

h. the enlarged part of the dwelling house would extend beyond a wall forming a side

elevation of the original house and would i) exceed 4m in height, ii) have more than one storey, iii) have a width greater than half the width of the main house;

i. it would include or consist of i) a balcony, veranda or raised platform, ii) microwave antenna, iii) chimney, flue or soil and vent pipe, iv) an alteration to any part of the roof of the dwelling house.

In consideration to criteria e the extension does not extend further than 3m and would not exceed 4m in height. The proposal appears to comply with the above criteria and that being the case, would therefore appear to constitute permitted development in accordance with the regulations.

8 Conclusion

The proposed development falls within permitted development regulations as set out in Part 1, Class A of the The Town and Country Planning (General Permitted Development) Order 2008 (As Amended) so therefore I would recommend that this proposal would not require planning permission

9 RECOMMENDATION:

That the Executive Head of Economy and Planning be authorised to **GRANT A CERTIFICATE OF LAWFUL USE** for application APP/15/00784 as set out in the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008, Part 1 'Development within the curtilage of a dwelling house', Class A.

Havant Borough Council, as Local Planning Authority, certifies that on 14th July 2015 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 plan attached to this certificate would have been lawful within the meaning of section 192 of the of the Town and Country Planning Act 1990 (as amended) for the following reason:

The proposed single storey rear extension in Havant is permitted development by virtue of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 as Amended by the No. 2(England) Order 2008

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date on which this planning permission was granted.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan, Cross Section Plan, Proposed Ground Floor Plan and Proposed Rear and Side Elevations: Plan No: 3573

Reason: - To ensure provision of a satisfactory development.

- 3 The external materials to be used shall match in type, colour and texture those on the existing building.

Reason: In the interests of the amenities of the area and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.