
Site Address: The Meadows, St Peters Road, Hayling Island, PO11 0RP
Proposal: Application for Certificate of Lawfulness relating to demolishing an existing building and rebuilding of a new garage / garden room / store on the footprint of original building.
Application No: APP/14/01028
Applicant: Dr Jackson
Agent: Mr Wood
Ward: Hayling East

Expiry Date: 27/11/2014
Team: Team 1
Case Officer: Aaron Wright

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

1 Site Description

The site lies to the east side of St Peters Road and is a two storey brick and render house with a clay tile roof.

2 Planning History

None relevant

3 Proposal

The application is for Certificate of Lawfulness relating to the demolition of an existing building and rebuilding of a new garage/garden room/ store on the footprint of original building.

As such it is a Section 192 application for a Lawful Development Certificate to establish whether the proposed building 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.

4 Legislation

- 4.1 Town and Country Planning (General Permitted Development) (Amendment) (England) Order No.2 brought into effect on 1 October 2008, which is an amendment to the Town and Country Planning (General Permitted Development) Order 1995.

5 Statutory and Non Statutory Consultations

None

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: 3

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 planning permission is required

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7.2 The proposed additions should be considered against Schedule 2, Part 1, Classes B and E 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 E states that development is not permitted 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);

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;

c) the building would have more than one storey;

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;

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

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

g) it would include the construction or provision of a veranda, balcony or raised platform;

h) it relates to a dwelling or a microwave antenna; or

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

- 7.4 In light of the above criterion, and having regard to the details of the new building provided in the submitted plans, the development would appear to constitute permitted development in accordance with the legislation.

8 Conclusion

- 8.1 The proposed development falls within permitted development tolerances as set out in Part 1, Class E of the The Town and Country Planning (General Permitted Development) Order 2008 (As Amended) and as such would not require planning permission.

9 RECOMMENDATION:

That the Executive Head of Planning and Built Environment be authorised to **GRANT A CERTIFICATE OF LAWFUL DEVELOPMENT** for application APP/14/01028 for the following reasons:

Havant Borough Council, as Local Planning Authority, certifies that on 2 October 2014 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 (Drawing 1337 03 - Block and Location Plan) 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 demolition of the existing building and rebuilding of a new garage/garden room/store on the footprint of the original building within the curtilage of The Meadows, St. Peters Road, Hayling Island constitutes 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:

The demolition of an existing building and rebuilding of a new garage/garden room/store on the footprint of the original building, as described in the written particulars, plans and other documents submitted with your application, those drawings being 01 - Existing Plans, 02 - Proposed Plans and 03 - Block Plan and Location Plan, received on 2 October 2014.

Second Schedule:

This certificate relates to land at The Meadows, St Peters Road, Hayling Island PO11 0RP as shown edged red on submitted plan 03 - Block Plan and Location Plan, received on 2 October 2014.