
Site Address:	Kenchwood, Ferry Road, Hayling Island, PO11 0DA		
Proposal:	Application for Lawful Development Certificate relating to infill of front porch area.		
Application No:	APP/14/00494	Expiry Date:	07/07/2014
Applicant:	Mr Johnson	Team:	Team 2
Agent:		Case Officer:	Rachael McMurray
Ward:	Hayling West		

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

1 Site Description

The site comprises a semi-detached bungalow located on Ferry Road in the south of Hayling Island. It is set back from the highway by 9m with a driveway for off road parking. The front boundary is marked by a semi-mature hedge. The property has a hipped roof and two roof light windows in the front elevation. There is a porch area on the front elevation which is covered by the overhang of the main roof.

2 Planning History

None.

3 Proposal

3.1 Section 192 application for a Lawful Development Certificate to establish whether the proposed extensions outlined in paragraph 3.2 are 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 - Infill of front porch area.

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 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 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 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 dwellinghouse (other than the original dwellinghouse) 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 dwellinghouse enlarged, improved or altered would exceed the highest of the highest part of the roof of the existing dwellinghouse;

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

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 dwellinghouse.

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 dwellinghouse 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 dwellinghouse 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 dwellinghouse 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 dwellinghouse.

In consideration of criterion d, reference to the national Technical Guidance on PD refers to principal/front elevations which are uneven, with projected elements, it does not deal specifically with recessed elements, such as the porch area here. The porch area is recessed from the main front wall and contained beneath the main roofslope, as such the infilling would amount to a relatively minor addition to the front wall, no further forward. A short section of side wall would be added at the boundary. In these circumstances and given the minor difference it will make to the appearance in the content of this site, it is considered, as a matter of fact and degree that the proposal would comply with the criterion and would therefore appear to constitute permitted development in accordance with the Regulation.

8 Conclusion

- 8.1 The proposed development falls within permitted development tolerances as set out in Part 1, Class A 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/14/00494 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 10 July 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 plan attached to this certificate 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 infill of the front porch area within the curtilage of Kenchwood, Ferry Road, Hayling Island, 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 carried out in accordance with the following approved plans:

Location Plan - Drwg No. 01

Proposed elevations - Drwg No. A101

Reason: - To ensure provision of a satisfactory development.