
Site Address:	6 First Avenue, Havant, PO9 2QN		
Proposal:	Application for Lawful Development Certificate relating to proposed development of single storey rear extension.		
Application No:	APP/13/00438	Expiry Date:	03/07/2013
Applicant:	Mr & Mrs Percival	Team:	Team 1
Agent:	Mr Davison	Case Officer:	Heather Lealan
	iDraw Limited		
Ward:	St Faiths		

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

1 Site Description

No. 6 First Avenue is a detached property located in a residential road in Havant. The property has already been extended by means of a single storey rear extension to the western side of the rear elevation. There is a 31m depth enclosed rear garden.

2 Planning History

None relevant

3 Proposal

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

3.2 A single storey rear extension

3.3 The dimensions proposed are 3.5m in height, with an eaves height of 2.8m, within 1m of side boundary and 3.8m in depth.

4 Policy Considerations

National Policies

N/A

Core Strategies 2011 forming part of the HBLDF

N/A

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

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: N/A

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

7.2 The proposed additions 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 height 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.

8 Conclusion

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 permitted development rights were not removed when the dwelling was originally permitted. As such the proposed development 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/13/00438 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 3 July 2013 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 'Block plan and Location Plan' drawing no. 13.081.103 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 rear extension within the curtilage of 6 First Avenue, 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.

FIRST SCHEDULE:

This certificate relates to the following development:

Single storey rear extension, as shown on submitted drawing 'Proposed Elevations, Sections A-A and Roof Plan' drawing no. 13.081.102 received 8 May 2013.

SECOND SCHEDULE:

6 First Avenue, Havant, Hampshire PO9 2QN, as shown edged in red on submitted plan 'Block plan and Location Plan' drawing no. 13.081.103.

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

Location Plan and Block Plan drwg.no 13.081.103 recived 8 May 2013

Existing Ground Floor Plan and Elevations drwg.no 13.081.100 recived 8 May 2013

Proposed Elevations, Section A-A and Roof Plan drwg.no 13.081.102 recived 8 May 2013

Reason: - To ensure provision of a satisfactory development.