Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008

Householder Application

Replacement Conservatory at 26 Fir Copse Road, Waterlooville, Hants, PO7 5JA

Applicant: Mr Christopher Webb

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PLANNING STATEMENT

1. **Background:**

1.1 At all material times, the Applicant has lived at the Application dwelling with his wife and family.

1.2 On 15th December 2004, the Applicant applied to Havant Borough Council for a proposed loft conversion at the premises, as shown on Drawing No.1798A, which was duly Approved under Ref:04/53405/001.

1.3 Drawing No.1798A shows the floor plan and elevations of the original permitted development, including floor plans and elevations of the permitted conservatory, the East facing end of which was octagonal in shape.

1.4 The purpose of the 2008 General Permitted Development Order was to enable home extensions and paved surfaces to be governed by new Rules, from 1st October 2008, which based on straightforward measurements, would permit loft conversations and rear extensions without having to apply for Planning Permission.

1.5 In reliance thereupon and without consulting a Planning Agent, the Applicant constructed the replacement conservatory, shown on Drawing No.01, which works were completed on 24th January 2011.

1.6 The Applicant has not received notice of any objection from neighbours in respect of the replacement conservatory, which he constructed to a high standard in the materials specified at Panel 10 of the Application Cover to match existing.

1.7 On 9th February 2011, the Council wrote to the Applicant in relation to certain alleged excursions in the construction works which exceeded those permitted in the 2008 Order.

1.8 At a site meeting which took place on 2nd March 2011, Officers of the Council inspected the replacement conservatory, took measurements and photography, whereupon the Applicant instructed

Nationwide Planning and Legal Services ("NWP") to prepare and lodge a Householder Planning Application to regularise the excursions.

1.9 Accordingly a Surveyor was instructed to prepare Plans which duly arrived on 8th April 2011.

2. **Alleged Excursions from the 2008 Order:**

2.1 Depth of Replacement Conservatory

2.1.1 On Drawing No.1798A, the depth of the conservatory, from the original dwelling, is shown at 3m. which is the permitted depth under Class A(1)(f) of the Schedule to the 2008 Order.

2.1.2 On Drawing No.01, the depth of the replacement conservatory is shown as 3350, which represents an excursion of 35cms.

2.1.3 It is submitted that the depth of the conservatory is almost exactly equates with the depth of the previous conservatory save in relation to the width of the rear brickwork and may be treated as de minimis.

2.1.4 Whilst the Northern side window remains unchanged, the Applicant accepts that the replacement conservatory has been "squared off" but not to the point where there is loss of privacy or amenity or overlooking from the neighbouring property at No.28 Fir Copse Road, from whom there has been no objection.

2.1.5 Application is accordingly submitted for this minimal overbuild in depth to be Approved.

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2.2 Height of Replacement Conservatory

2.2.1 Whilst the Council's letter of 9th February 2011 refers to the height being in contravention of Class A, Part 1 of Schedule 2 of the 2008 Order, it is in fact Class E(1)(d) which is referable and which states that the height of a building, enclosure or container shall not exceed 3m. to constitute permitted development under Class E.

2.2.3 The measurement shown on Drawing No.01 is 3075. which translates at a height excursion of 75mm. to eaves.

2.2.4 The Applicant states that he found it difficult to complete the replacement conservatory aesthetically given the acutely sloping ground in the rear ground and that in order to achieve a matching balance to the building, there had been an excursion of 75mm. in the eaves height.

2.2.5 The Applicant states that this de minimis excursion does not give rise to any harm or impact upon or loss of privacy or amenity to neighbouring properties from whom there has been no objection.

The Applicant accordingly applies for Planning Permission so as to regularise this minimal height excursion in the replacement build.

2.3 Raised Platform - Decking

2.3.1 The LPA in its letter of 9th February 2011, and also on site referred to the decking to the East of the replacement conservatory (providing access to the garden) exceeded the permitted 300 mm. and referred to a breach of the Rules in Class A(1) of the 2008 Order.

2.3.2 However, the appropriate governing Regulation is under Class E(g) (Construction or Provision of a Verandah, Balcony or Raised Platform) which, for permitted development under Class E, should not exceed 300 mm.

2.3.3 Taking in the acute slope of the garden land, the Surveyor has calculated the average height of the decking at 298 mm. which is accordingly compliant with Class E and accordingly no Planning Application is required in this respect.

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12 APR 2011

3. **Additional Agreed Revisions to Soften Impact:**

3.1 The Applicant agrees to:-

3.1.1 Tidy and turf the rear garden;

3.1.2 Install obscure glass (fixed shut) in the side window of the Northern elevation of the replacement conservatory;

3.1.3 Install obscure glazed side windown to Southern elevation of replacement conservatory with top hung casements with restricted opening (to prevent sightlines to adjoining property at No.24 Fir Copse Road).

3.1.4 Check with neighbour as to acceptability of 2m. fencing panels on the Southern boundary.

11 April [redacted]

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