

DELEGATED OFFICER REPORT

PROPOSAL	Extend existing driveway hardstanding and alterations to boundary wall.
LOCATION:	14 Hudson Gardens, Waterloooville, PO8 9FA
REFERENCE NO:	APP/25/00647
APPLICANT:	Mr Aaron Sadler
APPLICATION TYPE:	Lawful development: Proposed use
CONSULTATION EXPIRY DATE:	23/10/2025
APPLICATION EXPIRY DATE:	27/11/2025
WARD:	Hart Plain
SUMMARY RECOMMENDATION:	Refuse

1 Site Description

- 1.1 14 Hudson Gardens is a two storey semi-detached dwelling on the south-east corner where Hudson Gardens to the north leads around to Clements Grove to the west. The main dwelling faces north to Hudson Gardens with a south facing rear garden bounded by a 1.8m high close-boarded fence to the east and an approximately 2m high brick wall to the west. To the south there is a garage building, which provides parking for both the host dwelling and the neighbouring property to the south, and is accessed via an area of hardstanding from Clements Grove. At the side of the driveway and boundary wall there is a grass verge with recent shrub and tree planting.
- 1.2 The application site is part of the recent Woodcroft Farm Development and the surrounding area is therefore characteristic of a new-build estate, with residential dwellings of a similar age and general style within relatively constrained plots.

2 Planning History

APP/20/00357. Erection of 4No. dwellinghouses with associated gardens, parking and landscaping (Revision to APP/13/00804). Woodcroft Farm Development Site, Woodcroft Lane, Waterloooville. PERMIT.

APP/19/00076. Application for non-material change to Planning Permission APP/13/00804 relating to amendments to Plots 1, 2 and 3 within Phase 2B (Residential Phase 1B) including change of house type, revision of external materials schedule and plot layout amendments. Woodcroft Farm Development Site, Woodcroft Lane, Waterloooville. PERMIT.

APP/13/00804. Development of 288 residential units comprising 9 x one bedroom, 110 x two bedroom, 124 x three bedroom and 45 x four bedroom, retention of existing farmhouse, new access road from Eagle Avenue, internal access roads, associated car

parking, open space and landscaping and including works to trees under TPO 1931 (Approved 5 May 2015). Woodcroft Farm Development Site, Woodcroft Lane, Waterloo. PERMIT.

3 Proposal

Extend existing driveway hardstanding and alterations to boundary wall.

4 Policy Considerations are not applicable to the application

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

5 Statutory and Non Statutory Consultations

5.1 Not required, however consultation was carried out as follows:

Councillor Ann Briggs No comments received.
Councillor James Blades No comments received.
Councillor Elaine Shimbart No comments received.

6 Community Involvement

6.1 Not required for a Certificate of Lawfulness application.

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) Principle of development

7.2 The proposal has been assessed against the 'Permitted Development' allowances in the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

(ii) Whether the proposal would need Planning Permission

7.3 The proposed extension to the driveway has been assessed against Part 1 of Schedule 2 – Class F.

Class F – hard surfaces incidental to the enjoyment of a dwellinghouse

Permitted development

F. Development consisting of—

- (a) the provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse as such; or*
- (b) the replacement in whole or in part of such a surface.*

Based on plans approved under APP/13/00814 and APP/19/00076, the proposal would not be within the curtilage of the dwellinghouse. The land on which the extended driveway is proposed is also subject to a planning condition relating to soft landscaping of open parts of the site not proposed to be hardsurfaced that was approved on 03 February 2021 (condition 9 of APP/13/00814).

Development not permitted

Development is not permitted by Class F if—

- (a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (changes of use); N/A*
- or*
- (b) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses). N/A*

7.4 Class F is subject to conditions as set out below:

Conditions

F.2 Development is permitted by Class F subject to the condition that where—

- (a) the hard surface would be situated on land between a wall forming the principal elevation of the dwellinghouse and a highway, and*
- (b) the area of ground covered by the hard surface, or the area of hard surface replaced, would exceed 5 square metres,*

either the hard surface is made of porous materials, or provision is made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse.

As 7.3 above, whilst the proposed materials would replicate existing run-off provision, the development would be to the side of the dwellinghouse on land that is part of a planted grass verge. As such it would not be situated between a wall forming a principal elevation and a highway.

7.5 The proposed alterations to the boundary wall have been assessed against Part 2 of Schedule 2 – Class A.

Class A – gates, fences, walls etc

Permitted development

A. The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure.

Development not permitted

A.1 Development is not permitted by Class A if—

(a) the height of any gate, fence, wall or means of enclosure erected or constructed adjacent to a highway used by vehicular traffic would, after the carrying out of the development, exceed—

(i) for a school, 2 metres above ground level, provided that any part of the gate, fence, wall or means of enclosure which is more than 1 metre above ground level does not create an obstruction to the view of persons using the highway as to be likely to cause danger to such persons; N/A

(ii) in any other case, 1 metre above ground level; The proposed new section of wall would face Hudson Gardens and would be up to 2m in height.

(b) the height of any other gate, fence, wall or means of enclosure erected or constructed would exceed 2 metres above ground level; N/A

(c) the height of any gate, fence, wall or other means of enclosure maintained, improved or altered would, as a result of the development, exceed its former height or the height referred to in paragraph (a) or (b) as the height appropriate to it if erected or constructed, whichever is the greater; N/A

or

(d) it would involve development within the curtilage of, or to a gate, fence, wall or other means of enclosure surrounding, a listed building. N/A

8 Conclusion

8.1 The proposed development would not fall within permitted development regulations as set out in Part 1 Part F and Part 2 Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). Therefore, a Lawful Development Certificate cannot be issued.

9 RECOMMENDATION:

That the Executive Head of Place be authorised to **REFUSE A CERTIFICATE OF LAWFUL USE** for application APP/25/00647.

FIRST SCHEDULE:

This certificate relates to the following development:

Extend existing driveway hardstanding and alterations to boundary wall. as described in the written particulars, plans and other documents submitted with your application.

SECOND SCHEDULE:

This certificate relates to land at 14 Hudson Gardens, Waterloooville, PO8 9FA as shown edged red on the submitted Location Plan.

OTHER IMPORTANT INFORMATION:

- (1) This Certificate is issued solely for the purpose of Sections 192 of the Town and Country Planning Act 1990 (as amended). It does not relate to any other application that may be required under any other part of the Town and Country Planning Act, the Building Regulations or under any other Act, Regulation, Byelaw or Order where the Council's approval may be needed. For further guidance as to the need for consent under the Building Regulations please phone 023 9244 6571.
- (2) It certifies that the use/development specified in the First Schedule taking place on land described in the Second Schedule would be lawful within the meaning of section 192 of the Town and Country Planning Act 1990 (as amended) on the specified date and thus would not be liable to enforcement action under part 7 of the 1990 Act.
- (3) The certificate only applies to the extent of the development specified in the First Schedule taking place on land described in the Second Schedule and identified on the attached plan. Any development which is materially different from that described or which relates to other land may render the owner/occupier liable to enforcement action under section 172 of the 1990 Act.
- (4) The effect of the certificate is also qualified by the provision in section 192(4) of the 1990 Act (as amended), which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun in any of the matter relevant to determining such lawfulness.
- (5) Your attention is drawn to the attached information regarding your right to appeal to the Secretary of State if you are aggrieved by the Council's decision.