

Havant Borough Council
Sent electronically

7 February 2020

Dear Sir/Madam,

Lawful Development Certificate: Proposed Development

Erection of outbuilding and porch at 2 Eastoke Avenue, Hayling Island PO11 9QW

Permission is sought for the erection of an outbuilding under Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Development is specifically sought in relation to Schedule 2, Part 1, Class D and Class E(a) at the above-referenced site.

The application pack comprises the following plans and documents:

- Application Fee of £103 (paid by the applicant)
- Completed Application Form and Certificates;
- Planning drawings,
 - Location Plan 1:1250;
 - Existing and Proposed Site Plans 1:100
 - Existing and Proposed Elevations 1:100

Class D permits:

The erection or construction of a porch outside any external door of a dwellinghouse.

Article D.1 sets out the limitations of Class D. Set out below is consideration of the proposals against each Article:

D.1 Development is not permitted by Class D if—	
a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use);	N/A
b) The ground area (measured externally) of the structure would exceed 3 square metres;	The ground area coverage is less than 3sqm
c) any part of the structure would be more than 3 metres above ground level; or	The porch is less than 3m in height
d) any part of the structure would be within 2 metres of any boundary of the curtilage of the dwellinghouse with a highway.	The porch is more than 2m from site boundaries

Class E permits:

- (a) any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure; or
- (b) a container used for domestic heating purposes for the storage of oil or liquid petroleum gas.

Article E.1, E.2 and E.3 consider the limitations of Class E. Set out below is consideration of the proposals against each Article:

<i>E.1 Development is not permitted by Class E if—</i>	
<i>a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use);</i>	N/A. The proposal complies with article E.1(a).
<i>b) 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);</i>	The total area of the ground covered by the proposed outbuilding is substantially less than 50% of the total area of the curtilage (excluding the area covered by the host dwelling). The proposal complies with Article E.1(b).
<i>c) 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;</i>	The proposed outbuilding is not forward of the wall forming the principle elevation of the host dwelling. The proposal complies with Article E.1(c).
<i>d) the building would have more than a single storey;</i>	The proposed outbuilding will not exceed one storey. The proposal complies with Article E.1(d).
<i>e) the height of the building, enclosure or container would exceed—</i> <i>a. 4 metres in the case of a building with a dual-pitched roof,</i> <i>b. 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</i> <i>c. 3 metres in any other case;</i>	The proposed outbuilding is within 2 metres of the boundary of the curtilage and accordingly does not exceed 2.5 metres. The proposal complies with Article E.1(e).
<i>f) the height of the eaves of the building would exceed 2.5 metres;</i>	The proposed outbuilding is flat roof in design and the eaves of the building do not exceed 2.5 metres. The proposal complies with Article E.1(f).
<i>g) the building, enclosure, pool or container would be situated within the curtilage of a listed building;</i>	The host dwelling is not listed nor is it within the curtilage of a listed building. The proposal complies with Article E.1(g).

h) <i>it would include the construction or provision of a verandah, balcony or raised platform;</i>	The proposal does not involve the construction or provision of a verandah, balcony or raised platform. The proposal complies with Article E.1(h).
i) <i>it relates to a dwelling or a microwave antenna; or</i>	N/A
j) <i>the capacity of the container would exceed 3,500 litres.</i>	N/A
E.2 <i>In the case of any land within the curtilage of the dwellinghouse which is within—</i> a) <i>an area of outstanding natural beauty;</i> b) <i>the Broads;</i> c) <i>a National Park; or</i> d) <i>a World Heritage Site,</i> <i>development is not permitted by Class E if the total area of ground covered by buildings, enclosures, pools and containers situated more than 20 metres from any wall of the dwellinghouse would exceed 10 square metres.</i>	N/A
E.3 <i>In the case of any land within the curtilage of the dwellinghouse which is article 2(3) land, development is not permitted by Class E if any part of the building, enclosure, pool or container would be situated on land between a wall forming a side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse.</i>	N/A

For the reasons set out above the proposed development would be lawful if begun on the date of this application, as planning permission is granted for the proposed development under Article 3 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

I trust the submitted information enables the application to be validated and I look forward to receiving confirmation of this in due course. However, should you require any further information then please do not hesitate to contact me directly.

Yours faithfully,



Patrick Barry
Director