

DELEGATED OFFICER REPORT

PROPOSAL	Certificate of Lawfulness for existing single-storey extensions located to the side and rear of the property.
LOCATION:	50 Southbrook Road, Havant, PO9 1RN
REFERENCE NO:	APP/25/00933
APPLICANT:	Mr J Laundon
APPLICATION TYPE:	Lawful development: Existing use
CONSULTATION EXPIRY DATE:	24/12/2025
APPLICATION EXPIRY DATE:	06/01/2026
WARD:	St Faiths
SUMMARY RECOMMENDATION:	Approve with Conditions

1 Site Description

- 1.1** The application property is a detached two storey dwelling located in the St Faiths Ward. The property is located at the end of its cul-de-sac and benefits from hard surfacing to the front which acts as a driveway and an enclosed garden to the rear. Surrounding properties in the road are of the same age but of some variety in architectural form and materiality.
- 1.2** The property has benefited from several extensions including a detached garage, which was later linked to the main house through single storey side and rear extensions. There is also a single storey pitched roof outbuilding within the rear garden which was also later linked the main house through the single storey rear extensions.
- 1.3** The site is not a listed building and is not within a Conservation Area. There are no Tree Preservation Orders on or adjacent to the site.

2 Planning History

APP/25/00730 Variation of Condition for 08/72514/001 - Minor amendment for the retention of the existing garage and revised plans for the proposed utility room. Withdrawn (20/11/2025)

APP/12/00474 Discharge of Condition No. 6 of Planning Permission 08/72514/001 Approved (28/06/2012)

08/72514/001 Extension and alterations to include demolition of existing garage; construction of new garage/utility; extensions to front and rear of property; adaptations to annexe to incorporate accommodation in roof and internal alterations. Approved (06/03/2009)

3 Proposal

Certificate of Lawfulness for existing single-storey extensions located to the side and rear of the property.

4 Policy Considerations are not applicable to the application

Section 171B(2) of the Town and Country Planning Act 1990 refers to the 10 year time limit applying where there has been a breach of planning control consisting of operational development and states that no enforcement action may be taken after the end of the period of ten years beginning with the breach.

However, in this instance, as the use is believed to have been lawful before 25th April 2024, the 4 year rule will be considered as a result of transitional arrangements which allow the 4 year rule to be considered. For the development to be considered lawful, the extensions subject of this lawful development certificate must have been substantially complete for a period exceeding 4 years before the submission of the LDC, in this instance 11th November 2021.

5 Statutory and Non Statutory Consultations

Legal – concurs with the report's assessment.

6 Community Involvement

This application was publicised in accordance with the Council's Local Code of Corporate Governance and the Statement of Community Involvement.

Number of Neighbouring properties consulted: 2

Number of representations received: 0

Material planning considerations are addressed in Section 7.

7 Legal Considerations

- 7.1 The proposal is seeking a legal determination as to whether single storey side and rear extensions to the dwelling are lawful.

- 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).
- 7.3 The development has been assessed against Schedule 2, Part 1, Class A. It is noted that single storey extensions span the full width of the rear wall and wrap around its rear corner. In addition, these extensions have been built onto a former detached garage to the side /rear of the host dwelling. Officers consider it likely that the extensions also connect to a non-original pitched roof element at the rear of the property, with insufficient evidence provided to prove whether this is an original feature or later addition to the property.
- 7.4 The combined size of the extensions project over 4m beyond the original rear wall and would be over half the width of the original property. As such, in this respect, the extensions are not considered to be permitted development. However, in this instance, some evidence has been provided to show all of the extensions have been in place for a number of years.
- 7.4 Existing floor plans submitted as part of planning application 08/72514/001 (dated August 2008) show the detached garage and rear pitched roof element and a lightweight dining room extension. Officers are therefore satisfied that that the garage and rear pitched roof element have been in place for at least 17 years and are exempt from enforcement action.
- 7.5 Existing floor plans and elevational drawings dated September 2025 show a single storey utility room, kitchen extension and dining room have been added to the rear of the property. The built form of these extensions form a continuous link between the abovementioned garage and pitched roof building. No evidence of planning permission or building regulations for these extensions has been provided, therefore evidence somewhat limited to prove their age. However, some evidence in the form of Google Earth aerial imagery has been provided.
- 7.6 Three aerial images have been provided by the agent taken in March 2024, April 2020 and September 2016. The images have been reviewed separately by the case officer who can confirm the dates and images as found on Google Earth are indeed accurate. This evidence is therefore given weight in proving the existence of the extensions and their date of construction.
- 7.7 Google Earth aerial imagery shows the extensions to match the built form currently found at the site and also in accordance with the supporting elevation and floor plans (drawing ref: CFA FULL 01). Evidence suggests the extensions have been in place since at least September 2016 and have not been altered or enlarged since. On the balance of probability, this evidence is sufficient to prove the extensions were completed prior to 25th April 2024 and can therefore be considered against the 4 year rule rather than the 10 year rule. The evidence also suggests that the extensions were completed at least 9 years prior to the submission of this lawful development certificate.

8 Conclusion

- 8.1 Officers are satisfied on the balance of probability that the single storey side and rear extensions have been completed for a period exceeding 4 years before 25th April 2024. Given the passage of time, the extensions are therefore immune from enforcement

action and can be considered to be lawful under Section 171 (b) of the Town and Country Planning Act 1990. The Council's Legal Team concur with this assessment.

9 RECOMMENDATION:

That the Development Manager be authorised to Grant the Certificate of Lawfulness for the existing development for application APP/25/00933

FIRST SCHEDULE:

This certificate relates to the following development:

Certificate of Lawfulness for existing single-storey extensions located to the side and rear of the property. as described in the written particulars, plans and other documents submitted with your application.

SECOND SCHEDULE:

This certificate relates to land at 50 Southbrook Road, Havant, PO9 1RN as shown edged red on the submitted Location Plan.

OTHER IMPORTANT INFORMATION:

- (1) This Certificate is issued solely for the purpose of Section 191 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 was/were lawful within the meaning of section 191 of the Town and Country Planning Act 1990 (as amended) on the specified date and thus would not have been liable to enforcement action under part 7 of the 1990 Act on that date.
- (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) 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.

