

DELEGATED OFFICER REPORT

Site Address: 192 Sea Front, Hayling Island, PO11 9HR
Proposal: Application for Lawful Development Certificate relating to proposed two storey rear extension, single storey side extension refurbishment and proposed garage.
Application Type: Certificate of Proposed Lawful Development
Application No: APP/25/01044 **Expiry Date:** 16 February 2026
Applicant: Mr & Mrs Baigent
Agent: Mr Murray **Case Officer:** Denise Sheath
Ward: Hayling West

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

1 Site Description

1.1 192 Sea Front, Hayling Island, PO11 9HR

2 Planning History

APP/10/00343 - Crown reduce by 30%, crown thin by 20% and crown lift to 5m 1No. Holm Oak tree, fell to ground level 1No. Holm Oak tree, both subject to TPO 1041. – Withdrawn

APP/12/00587 - To carry out works to trees under TPO 1041: T1 Holm Oak, crown lift the west sector by 4m crown lift the south and east sectors to leave 1m clearance of building and crown reduce westside by 2m.; and T2 Holm Oak reduce by 3.5m on the north and west sectors. – Permit 11 July 2012

APP/19/00823 - Reduce top 1No Holm Oak by approx 2.5 metres to leave a standing height of approx 9 metres, reduce all sides by approx 2.5 metres to reshape leaving crown spread of 6.5 metres and crown lift to 4.5 metres. Tree subject to TPO 1041. – Permit - 24 October 2019

APP/24/00953 - Demolition of outbuildings, Side and rear extension, balconies, roof replacement, annexe, detached garage and general remodelling. – Refused 02 July 2025 – Appeal Dismissed - 11 November 2025

3 Proposal

Application for Lawful Development Certificate relating to proposed two storey rear extension, single storey side extension and garage extensions.

4 Policy Considerations

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

5 Statutory and Non Statutory Consultations

Not required

6 Community Involvement

Not required for a Certificate of Lawful Proposed Use or Development.

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 the development would require planning permission

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 Part 1, Schedule 2, Class A.

Two Storey Extension:

7.4 Under Class A the proposed two storey rear extension meets the following tests:

- (a) Permission to use the dwellinghouse as a dwellinghouse has not been granted only by virtue of Class G, M, MA, N, P or Q of Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (changes of use)
- (b) The rear extension will not result in over 50% of the total area of the curtilage being covered by buildings (excluding the original dwellinghouse)
- (c) The height of the proposed rear extension would not exceed the highest part of the roof of the existing dwellinghouse.
- (d) The height of the eaves of the proposed rear extension will not exceed the highest part of the eaves of the existing dwellinghouse
- (e) The rear extension will not extend beyond a wall which forms either the principal elevation of the original dwellinghouse or fronts a highway and forms a side elevation of the original dwellinghouse.
- (f) The rear extension will have more than a single storey therefore this element is not applicable.
- (g) Not relevant in this application as within permitted development limits
- (h) the enlarged part of the dwellinghouse would have more than a single storey and; would not
 - (i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres
 - (ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse being enlarged which is opposite the rear wall of that dwellinghouse.
- (i) Not applicable as the proposed extension would not be within 2m of any boundary.
- (j) Not relevant in this application as the extension will be located to the rear of the dwelling.
- (ja) The total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (e) to (j).
The proposed rear extension is not attached to any previous extensions.
- (k) The proposal does not include the construction or provision of a veranda, balcony or raised platform; it does not include the installation, alteration or replacement of a microwave antenna; it does not include the installation,

- alteration or replacement of a chimney, flue or soil and vent pipe, or the alteration to any part of the roof of the dwellinghouse
- (l) The dwellinghouse is not built under Part 20 of this Schedule (construction of new dwellinghouses)

7.5 A2 - The application site is not situated within Article 2(3) land.

7.6 A3 – The plans submitted with the application show that the conditions in A3 would be met (i.e. materials to be of a similar appearance to those on the existing dwelling).

7.7 A search of the planning history has not revealed any conditions that restrict 'permitted development' rights, nor is the dwelling part of an Article 4 direction.

Single Storey Side Extension Refurbishment:

7.8 Under Class A the proposed single storey side extension refurbishment meets the following tests:

- (a) Permission to use the dwellinghouse as a dwellinghouse has not been granted only by virtue of Class G, M, MA, N, P or Q of Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (changes of use)
- (b) The side extension will not result in over 50% of the total area of the curtilage being covered by buildings (excluding the original dwellinghouse)
- (c) The height of the proposed side extension would not exceed the highest part of the roof of the existing dwellinghouse.
- (d) The height of the eaves of the proposed side extension will not exceed the highest part of the eaves of the existing dwellinghouse
- (e) The side extension will not extend beyond a wall which forms either the principal elevation of the original dwellinghouse or fronts a highway and forms a side elevation of the original dwellinghouse.
- (f) The side extension would have a single storey.
- (g) Not relevant in this application as within permitted development limits
- (h) Not applicable as this part of the proposal is single storey
- (i) Not applicable as the proposed extension would not be within 2m of any boundary and the height of the eaves would not exceed 3m
- (j) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would not –
 - (i) exceed 4 metres in height,
 - (ii) have more than a single storey, or
 - (iii) have a width greater than half the width of the original dwellinghouse

The agent has provided evidence to show the alterations to the side element would comply with the above.
- (ja) The total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) will not exceed or would not exceed the limits set out in sub-paragraphs (e) to (j).

The agent has confirmed that the side extension is not intended to be demolished and rebuilt it will just be upgraded in terms of thermal performance and be refurbished.

The roof is a rafted roof which is to be retained and refurbished, the east facing glazed wall is retained and the structure of the north facing wall will be retained and clad, the floor and foundations will also be retained.
- (k) The proposal does not include the construction or provision of a veranda, balcony or raised platform; it does not include the installation, alteration or replacement of a microwave antenna; it does not include the installation,

- alteration or replacement of a chimney, flue or soil and vent pipe, or the alteration to any part of the roof of the dwellinghouse
- (l) The dwellinghouse is not built under Part 20 of this Schedule (construction of new dwellinghouses)

7.9 A2 - The application site is not situated within Article 2(3) land.

7.10 A3 – The plans submitted with the application show that the conditions in A3 would be met (i.e. materials to be of a similar appearance to those on the existing dwelling).

7.11 A search of the planning history has not revealed any conditions that restrict 'permitted development' rights, nor is the dwelling part of an Article 4 direction.

Proposed Garage:

7.12 E.1 Development is not permitted by Class E if—

(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class G, M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use);
(N/A)

(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); **(would not)**

(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 **(would not)**;

(d) the proposed outbuildings would not have more than a single storey

(e) the height of the building, enclosure or container would exceed—

- (i) 4 metres in the case of a building with a dual-pitched roof,
- (ii) 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
- (iii) 3 metres in any other case

The proposed outbuilding would be within 2m of a boundary, the plans provided show that the maximum height of the outbuilding would be 2.5 metres therefore according with (e) (ii) above

(g) the building, enclosure, pool or container would be situated within the curtilage of a listed building **(not a listed building so therefore accords)**;

(h) it would include the construction or provision of a verandah, balcony or raised platform **(N/A these are not included)**.

(i) it relates to a dwelling or a microwave antenna **(N/A)**.

(j) the capacity of the container would exceed 3,500 litres **(would not be a container so therefore accords)**.; or

(k) the dwellinghouse is built under Part 20 of this Schedule (construction of new

dwellinghouses) **(the property is not built under Part 20).**

- E.2 In the case of any land within the curtilage of the dwellinghouse which is within—
(a) an area of outstanding natural beauty;
(b) the Broads;
(c) a National Park; or
(d) a World Heritage Site,

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 **(Not relevant as not in an area of outstanding natural beauty; the Broads; a National Park; or a World Heritage Site).**

- E.3 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 **(The application site is not situated within Article 2(3) land).**

Other matters

- 7.13 The submitted plans and supporting statement indicate that the proposed outbuilding would be used incidental to the enjoyment of the dwellinghouse, and not as a separate residential unit or self-contained annex. The identified room uses would remain functionally connected with the main dwelling and would not amount to independent residential accommodation. On this basis, the proposed outbuilding is considered to satisfy the Class E requirement that it be required for a purpose incidental to the enjoyment of the dwellinghouse.

8 Conclusion

- 8.1 There is sufficient evidence as detailed in the submitted documentation to prove that the addition of a two storey rear extension, a single storey side extension refurbishment is permitted development under the Town and Country Planning (General Permitted Development) (England) Order 2015, Part 1 'Development within the curtilage of a dwelling house', Class A.1. The proposed garage extension is permitted development under the Town and Country Planning (General Permitted Development) (England) Order 2015, Part 1 'Development within the curtilage of a dwelling house', Class E.

9 RECOMMENDATION:

That the Interim Head of Planning be authorised to **GRANT A CERTIFICATE OF LAWFUL DEVELOPMENT** for application APP/25/01044

Havant Borough Council, as Local Planning Authority, certifies that on 22 December 2025 the development described in the First Schedule to this certificate in respect of land described in the Second Schedule and edged in red on the submitted Location Plan 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 development falls within permitted development allowance as set out in Schedule 2, Part 1, Class A and Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

FIRST SCHEDULE:

This certificate relates to the following development:

Application for Certificate of Lawfulness relating to the proposed two storey rear extension, single storey side extension refurbishment and garage. As described in the written particulars, plans and other documents submitted with your application received on 22 December 2025; 06 May 2026; and 09 June 2026.

SECOND SCHEDULE:

This certificate relates to land at 192 Sea Front, Hayling Island, PO11 9HR as shown edged red on the submitted Location Plan received 06 May 2026

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 01329 824823
2. It certifies that the development specified in the First Schedule taking place on land described in the Second Schedule would have been 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 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. 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 Ministry of Housing, Communities and Local Government, if you are aggrieved by the Council's decision.