

DELEGATED OFFICER REPORT

PROPOSAL	Application for Lawful Development Certificate relating to the removal of existing rear conservatory and erection of extension.
LOCATION:	15 Clinton Road, Waterloooville, PO7 6DT
REFERENCE NO:	APP/26/00477
APPLICANT:	Mr & Mrs Anne & Martin Baldwin
APPLICATION TYPE:	Lawful development: Proposed use
CONSULTATION EXPIRY DATE:	
APPLICATION EXPIRY DATE:	26/08/2026
WARD:	Hart Plain
SUMMARY RECOMMENDATION: Refuse to grant a Lawful Development Certificate	

1 Site Description

- 1.1 The application site comprises of a semi-detached bungalow located in Waterloooville. To the front of the property is parking space and to the rear of the property is a rear garden.

2 Planning History

Is there any planning history relevant to the current application?

No

3 Proposal

Application for Lawful Development Certificate relating to the removal of existing rear conservatory and erection of extension.

4 Policy Considerations

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

5 Statutory and Non Statutory Consultations

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

6 Community Involvement

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

7 Legal Considerations

- 7.1 The proposal is seeking a legal determination as to whether the proposed removal of existing rear conservatory and erection of extension would fall under permitted development rights granted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- 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 **Class A**.
- 7.4 Under **Class A** the proposal meets/does not meet the following tests:

A. The enlargement, improvement or other alteration of a dwellinghouse.

Development not permitted

A.1 Development is not permitted by Class A 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); **(not relevant)**
- (b) as a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse); **(accords)**
- (c) the height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse; **(would not)**
- (d) the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse; **(the eaves height of the extension would exceed the eaves height of the dwelling, so it would not meet this test)**
- (e) the enlarged part of the dwellinghouse would extend beyond a wall which—
 - (i) forms the principal elevation of the original dwellinghouse; or **(would not)**
 - (ii) fronts a highway and forms a side elevation of the original dwellinghouse; **(would not)**
- (f) subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and—
 - (i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or **(the plans state the extension would be 3 metres deep, however, when measured on the floor and elevation plans it is measured at approximately 2.15 metres, whilst either would accord with this test, it is not considered that there is sufficient evidence to determine this owing to the inconsistent nature of the plans)**

- (ii) exceed 4 metres in height; **(see above, the plans annotate, that the extension would be approximately 3 metres in height but has been measured at approximately 2.15 metres, as the scale/measurements are erroneous officers consider there to be insufficient evidence to determine this)**
- (g) for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and—
 - (i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or
 - (ii) exceed 4 metres in height; **(regarding (g) (i) and (ii), as the scale/measurements are erroneous officers consider there to be insufficient evidence to determine this)**
- (h) the enlarged part of the dwellinghouse would have more than a single storey and—
 - (i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or
 - (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; **((h) (i) and (ii) are met as the extension would be single storey)**
- (i) the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres; **(the extension would be within 2 metres of the boundary of the curtilage, however, as the scale/measurements are erroneous officers consider there to be insufficient evidence to determine this)**
- (j) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would—
 - (i) exceed 4 metres in height; **(the extension would very modestly extend beyond an existing conservatory side wall, however, as the scale/measurements are erroneous officers consider there to be insufficient evidence to determine this)**
 - (ii) have more than a single storey, or **(not relevant as the extension would be single storey)**
 - (iii) have a width greater than half the width of the original dwellinghouse; **(accords)**
- (ja) any 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); **(not relevant)**
- (k) it would consist of or include—
 - (i) the construction or provision of a verandah, balcony or raised platform, **(there is a rear small platform to the rear of the extension however owing to its very minor scale, officers would consider it to be a step to access the rear garden so would consider the proposal to accord with this)**
 - (ii) the installation, alteration or replacement of a microwave antenna, **(not relevant)**
 - (iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or **(not relevant)**
 - (iv) an alteration to any part of the roof of the dwellinghouse.; or **(would not accord as the extension's roof overhangs the existing roof)**
- (l) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses). **(not relevant)**

A.2 In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if—

- (a) it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;
- (b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or
- (c) the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse.
- (d) any 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 (b) and (c). **(A.2 (a), (b), (c) and (d) are not relevant as the application site is not located on article 2(3) land)**

Conditions

A.3 Development is permitted by Class A subject to the following conditions—

- (a) the materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse; **(accords, as the plans annote, that the extension would feature matching brickwork)**
- (b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be—
 - (i) obscure-glazed, and **(no upper floor windows)**
 - (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and **(no upper floor windows)**
- (c) where the enlarged part of the dwellinghouse has more than a single storey, or forms an upper storey on an existing enlargement of the original dwellinghouse, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse. **(extension would be single storey so not relevant)**

7.5 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.

8 Conclusion

8.1 The proposed development does not fall within permitted development regulations as set out in **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 to grant a Lawful Development Certificate** for application APP/26/00477

The proposed development does not fall within permitted development regulations as set out in Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

FIRST SCHEDULE:

This decision relates to the following development:

Application for Lawful Development Certificate relating to the removal of existing rear conservatory and erection of extension. as described in the written particulars, plans and other documents submitted with your application.

SECOND SCHEDULE:

This decision relates to land at 15 Clinton Road, Waterloooville, PO7 6DT as shown edged red on the submitted Location Plan.

OTHER IMPORTANT INFORMATION:

- (1) Your attention is drawn to the attached information regarding your right to appeal to the Planning Inspectorate if you are aggrieved by the Council's decision.