

DELEGATED OFFICER REPORT

PROPOSAL	Lawful Development Certificate for proposed single storey flat roof rear extension with roof light and rear French doors.
LOCATION:	Langthorne House, 57 Langstone Road, Havant, PO9 1RB
REFERENCE NO:	APP/26/00389
APPLICANT:	Mr Jason Becker
APPLICATION TYPE:	Lawful development: Proposed use
CONSULTATION EXPIRY DATE:	07/07/2026
APPLICATION EXPIRY DATE:	11/08/2026 (Agreed extension of time until 21/08/2026)
WARD:	St Faiths
SUMMARY RECOMMENDATION:	Grant a Lawful Development Certificate

1 Site Description

- 1.1 The application site comprises a two storey dwellinghouse located in Langstone. The property is accessed from Langstone Avenue which adjoins Langstone Road.

2 Planning History

Is there any planning history relevant to the current application?

No

3 Proposal

Lawful Development Certificate for proposed single storey flat roof rear extension with roof light and rear French doors.

4 Policy Considerations are not applicable to the application

- 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 Lawfulness application.

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 single storey flat roof rear extension with roof light and rear French doors is able to be constructed 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 the following tests:

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; **(accords, this is for a single storey extension)**
- (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; **(accords, this is for a single storey extension)**
- (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
 - (ii) exceed 4 metres in height; **(this is for a single storey extension, which does not exceed the aforementioned limitations so the proposal accords with (f) (i) and (ii))**
- (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 (**accords** as the extension would feature an approximate 2.15 metre depth)
- (ii) exceed 4 metres in height; (**accords** as the proposed extension would feature an approximate maximum 3.5 metre height)
 - (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 **not relevant** as this is for a single storey extension)
 - (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 exceed a 3 metre eaves height but would feature an approximate 5.8 metre separation distance to the boundary so would **accord**)
 - (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 extend beyond an existing side wall replacing an existing rear bay window with a maximum approximate 3.5 metre height so it **accords**)
 - (ii) have more than a single storey, or (**accords** the proposal is single storey)
 - (iii) have a width greater than half the width of the original dwellinghouse; (**accords** the extension would feature a width less than half the width of the original dwellinghouse)
 - (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); (**accords**)
 - (k) it would consist of or include—
 - (i) the construction or provision of a verandah, balcony or raised platform, (**not relevant**)
 - (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 (**not relevant**); or
 - (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 is **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**, the brickwork is annotated to match the existing)

- (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
 - (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
- (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. (A.3 (b) (i), (ii) and (c) are **met** as the proposal is single storey)

There is no condition restricting permitted development rights and the property is not subject to an Article 4 Direction.

8 Conclusion

- 8.1 The proposed development falls 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 **can** be issued.

9 RECOMMENDATION:

That the Interim Head of Planning be authorised to **Grant a Lawful Development Certificate** for application APP/26/00389

FIRST SCHEDULE:

This certificate relates to the following development:

Lawful Development Certificate for proposed single storey flat roof rear extension with roof light and rear French doors. as described in the written particulars, amended plans and other documents submitted with your application.

SECOND SCHEDULE:

This certificate relates to land at Langthorne House, 57 Langstone Road, Havant, PO9 1RB as shown edged red on the amended 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 01392 824823.

- (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.