

DELEGATED OFFICER REPORT

Site Address: 6 Kingsway, Hayling Island, PO11 0LZ
 Proposal: Application for lawful development certificate relating to proposed rear dormer and proposed front and rear rooflights
 Application Type: Certificate of Lawfulness
 Application No: APP/24/00976 Expiry Date: 10/02/2025
 Applicant: Miss T Maddison
 Agent: Case Officer: Jennie Fox
 Ward: Hayling West

Recommendation: GRANT A CERTIFICATE OF LAWFUL USE

1 Site Description

- 1.1 6 Kingsway, Hayling Island, PO11 0LZ comprises a detached bungalow located on the east side of Kingsway. The property has a tiled, pitched roof with brickwork and render to the elevations. To the rear the property has a partially raised eaves level, with the remainder of the property jutting out in an 'L' shape with a catslide roof slope. The dwelling is set back from the road with on site parking situated to the front of the property.
- 1.2 The surrounding area is residential in character with properties of varying styles and design.

2 Planning History

APP/24/00830 - Erection of new front porch and alterations to doors and windows.,
PERM.23/12/2024

3 Proposal

Application for lawful development certificate relating to proposed rear dormer and proposed front and rear rooflights.

4 Policy Considerations

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

5 Statutory and Non Statutory Consultations

5.1 Not required, however consultation was carried out as follows:

Councillor Jonathan Hulls

No comments received.

Councillor Paul Gray

No comments received.

Councillor Wilf Forrow

No comments received.

6 Community Involvement

6.1 Not required for a Certificate of Lawfulness application.

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) Principle of development

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).

(ii) Whether the proposal would need Planning Permission

7.3 The **proposed dormer** would fall within Class B – The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.

Class B – additions etc to the roof of a dwellinghouse

Permitted development

B. The enlargement of a dwellinghouse consisting of an addition or alteration to its roof

Development not permitted

B.1 Development is not permitted by Class B 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) *any part of the dwellinghouse would, as a result of the works, exceed the height of the highest*

part of the existing roof; The proposed dormer would not exceed the height of the highest part of the roof.

(c) any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway; The proposed dormer would not extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway.

(d) the cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than—

(i) 40 cubic metres in the case of a terrace house, or

(ii) 50 cubic metres in any other case;

As this is a detached property the relevant cubic content is (ii), Under this Class, as the dwelling is detached, a total volume of 50 cubic metres is the maximum that can be carried out as an addition to its roof. The measurements on the drawings provided indicate an addition of approximately 24 cubic metres.

(e) it would consist of or include—

(i) the construction or provision of a verandah, balcony or raised platform, or

(ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe;

N/A

(f) the dwellinghouse is on article 2(3) land **N/A**

(g) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).; N/A

or

(h) the existing dwellinghouse has been enlarged in reliance on the permission granted by Class AA

(enlargement of a dwellinghouse by construction of additional storeys). N/A

7.4 Class B is subject to conditions as set out below:

Conditions

B.2 Development is permitted by Class B subject to the following conditions—

(a) the materials used in any exterior work must be of a similar appearance to those used in the

construction of the exterior of the existing dwellinghouse; The proposed materials would be similar in appearance to the materials of the host dwelling.

(b) the enlargement must be constructed so that—

(i) other than in the case of a hip-to-gable enlargement or an enlargement which joins the

original roof to the roof of a rear or side extension—

(aa) the eaves of the original roof are maintained or reinstated; and Retained

(bb) the edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge of the eaves; and **The edge of the dormer closet to the original eaves is not less than 0.2 metres measured along the roof slope from the outside edge of the eaves.**

(ii) other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse; and **Met.**

- 7.5 The **proposed rooflights** would fall within Class C – Any other alteration to the roof of a dwellinghouse.

Class C – other alterations to the roof of a dwellinghouse

Permitted development

C. Any other alteration to the roof of a dwellinghouse.

Development not permitted

C.1 Development is not permitted by Class C 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 alteration would protrude more than 0.15 metres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof; **Met.**

(c) it would result in the highest part of the alteration being higher than the highest part of the original roof; **N/A.**

(d) it would consist of or include—

(i) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or **N/A**

(ii) the installation, alteration or replacement of solar photovoltaics or solar thermal equipment **N/A**
or

(e) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses). **N/A**

- 7.6 The rooflights would be considered under Class C as set out below:

Permitted development

C. Any other alteration to the roof of a dwellinghouse.

Development not permitted

C.1 Development is not permitted by Class C 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 alteration would protrude more than 0.15 metres beyond the plane of the slope of the original

*roof when measured from the perpendicular with the external surface of the original roof; **The rooflights would not protrude more than 0.15m beyond the plane of the slope of the original roof.***

(c) it would result in the highest part of the alteration being higher than the highest part of the

*original roof; **N/A***

(d) it would consist of or include—

*(i) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or **N/A***

*(ii) the installation, alteration or replacement of solar photovoltaics or solar thermal equipment.; **N/A** or*

*(e) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses). **N/A***

Conditions

C.2 Development is permitted by Class C subject to the condition that any window located on a roof slope forming a side elevation of the dwellinghouse must be—

(a) obscure-glazed; and

(b) 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.

There are no proposed windows to the side elevations.

7.7 There are no restrictions on the property in terms of removal of permitted development rights.

7.8 The dormer window proposed is therefore considered to constitute Permitted Development under Schedule 2 Part 1 Class B. The rooflights proposed are considered to constitute Permitted Development under Schedule 2 Part 1 Class C.

8 Conclusion

8.1 The proposed development falls within permitted development regulations as set out in Schedule 2, Part 1, Class B and Class C 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 Head of Place be authorised to **GRANT A CERTIFICATE OF LAWFUL USE** for application APP/24/00976

FIRST SCHEDULE:

This certificate relates to the following development:

Application for lawful development certificate relating to proposed rear dormer as described in the written particulars, plans and other documents submitted with your application valid from 16 December 2024.

SECOND SCHEDULE:

This certificate relates to land at 6 Kingsway, Hayling Island, PO11 0LZ as shown edged red on the submitted 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 023 9244 6571.
- (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 Department for Transport Local Government and the Regions, if you are aggrieved by the Council's decision.