
Site Address:	17 Garden Close, Hayling Island, PO11 9AD		
Proposal:	Certificate of lawfulness relating to proposed construction of rear dormer.		
Application Type:	Certificate of Lawfulness		
Application No:	APP/23/00995	Expiry Date:	04/01/2024
Applicant:	Mr Phillips		
Agent:	Mr G Bramble-Stewart	Case Officer:	Robert Riley
	GBS Designs		
Ward:	Hayling West		

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

1 Site Description

The application site, is a two-storey detached dwellinghouse located in Hayling Island. The application site, contains a driveway fronting onto Garden Close and a front garden. To the rear of the property, is a garden. The dwellinghouse is in a brown brickwork design to form its external walls, with the roof being constructed with brown concrete tiles in a pitched gable roof design.

The application site is in an area that could be considered both urban and residential, with the character of the road being mainly detached two storey brown brickwork dwellinghouses.

2 Planning History

There is no relevant planning history to the application site.

3 Proposal

Certificate of lawfulness relating to proposed construction of rear dormer and 3 No rooflights on the front roof slope.

4 Policy Considerations

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

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) 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).

7.3 The development has been assessed against **Class B and C**.

7.4 Under **Class B and C** meets the following tests:

The proposed dormer on the rear roof slope:

Class B

(b) Any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;

7.5 The development does 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;

7.6 The development does not extend 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;

7.7 The increase in cubic content of the roof space was measured to be approximately 16.32 cubic metres and therefore does not exceed 50 cubic metres.

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

7.8 The development does not include the provision of a verandah balcony or raised platform

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

7.9 The development does not include the installation, alteration or replacement of a chimney, flue or soil and vent pipe.

(f) The dwellinghouse is on article 2(3) land.

8.0 The article is not on article 2(3) land.

(g) The dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).;

8.1 The dwellinghouse is not built under part 20 of this schedule

B2 (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;

8.2 The materials used in the exterior work are of a similar appearance to the exterior of the existing dwellinghouse

B2 (aa) The eaves of the original roof are maintained or reinstated

(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.

8.4 It is measured to be at least approximately 0.4 metres from 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

8.5 No part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse

c) any window inserted on 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.

8.6 No windows are to be installed on either side elevation.

Class C

9.0 Class C is relevant for the proposed front rooflights, which under Class C1 meets the following tests:

(a) The property has not been granted permission to use the dwellinghouse as a dwellinghouse only by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (changes of use);

(b) The rooflights are stated as not protruding more than 0.15m beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof;

(c) No part of the alteration would be higher than the highest part of the original roof;

(d) **(i)** there is no installation, alteration or replacement of a chimney, flue or soil and vent pipe

(ii) there would be no installation, alteration or replacement of solar photovoltaics or solar thermal equipment;

- 9.1 C2 conditions relate to side windows and none are proposed.
- 9.2 A search of the planning history has not revealed conditions that restrict 'permitted development' rights, nor is the dwelling part of an Article 4 direction.

10 Conclusion

- 10.1 It is considered that the plans comply with the criteria outlined in Schedule 2, Part 1, Class B and C of The Town and Country Planning (General Permitted Development) Order 1995 and that they would therefore be lawful.

9 RECOMMENDATION:

That the Head of Place be authorised to **GRANT A CERTIFICATE OF LAWFUL USE** for application APP/23/00995

FIRST SCHEDULE:

This certificate relates to the following development:

Certificate of lawfulness relating to proposed construction of rear dormer. as described in the written particulars, plans and other documents submitted with your application received on 09 November 2023.

SECOND SCHEDULE:

This certificate relates to land at 17 Garden Close, Hayling Island, PO11 9AD as shown edged red on the submitted Location Plan received 09 November 2023.

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.