
Site Address: 150 Sunnymead Drive, Waterloooville, PO7 6BU
Proposal: Lawful Development Certificate relating to proposed single storey rear extension with internal alterations and new fenestration.
Application Type: Certificate of Lawfulness
Application No: APP/23/00487 Expiry Date: 31/07/2023
Applicant: Mr Sharratt
Agent: Mr Peters Case Officer: Ikrame Essalih
 ATP Architectural Design
Ward: Hart Plain

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

1 Site Description

150 Sunnymead Drive, Waterloooville, PO7 6BU

- 1.1 The application site is a detached bungalow located along the south side of Sunnymead Drive. The property is of a regular shape with an projecting front part on the main elevation and is constructed in multi bricks with a hip brown tiled roof. The site has a large, paved area and driveway to the front and west side of the property.
- 1.2 The surrounding area is residential in character with properties of similar design and height.

2 Planning History

HWU/04551/18 - Erection of 28 bungalows on Plots 456-483 inclusive, Permitted, 16/05/1959

Officer comments: Permitted Development Rights have not been removed.

3 Proposal

The proposal comprises the demolition of an existing conservatory and garage and erection of a single storey rear extension with internal alterations and the addition of a new window on the east side elevation. The application seeks a Lawful Development Certificate for the proposed works.

4 Policy Considerations

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

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Not relevant for an application for a Certificate of Lawfulness of proposed development.

6 **Community Involvement**

Not relevant for an application for a Certificate of Lawfulness of proposed 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 proposed development consists of demolishing the conservatory and the existing garage on the west rear side, and construction of a single storey rear extension with a width of approximately 7.6 metres. A depth of approximately 4 metres and a height of approximately 3.1 metres and 3.25 to top of rooflight. The proposed extension would have a small false pitch roof, a rooflight, a bi-folding door to the rear garden, and two side windows one on the eastern elevation and one on the western elevation. The proposal also consists of an addition of one window on the east side elevation.
- 7.3 The proposal has been assessed against the 'Permitted Development' allowances in the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). A search of the planning history has not revealed any conditions restricting permitted development rights, nor is the dwelling part of Article 4 Direction.
- 7.4 The development has been assessed against **Schedule 2, Part 1, Class A**.
- 7.5 Under **Schedule 2, Part 1, Class A**, the proposal **meets** the following tests:

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)

This is not applicable to the proposed development.

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);

The proposed development would not result in a prominent enlargement of the main building footprint exceeding 50% of the total area of ground covered by buildings within the curtilage of the dwellinghouse (excluding the ground area of the original dwellinghouse).

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;

The extension height would not exceed the highest part of the roof of the existing dwellinghouse. The submitted plans show that the extension height would be lower

than highest part of the existing dwellinghouse.

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 proposed extension would not exceed the eaves height of the original dwellinghouse. Based on the submitted plans it would be of the same height.

e. the enlarged part of the dwellinghouse would extend beyond a wall which-
(i) forms the principal elevation of the original dwellinghouse; or
(ii) fronts a highway and forms a side elevation of the original dwellinghouse;

The proposed development comprises a rear extension, therefore, would not extend beyond the wall forming the principal elevation of the dwellinghouse, nor would form a side elevation. Also, the proposed extension would not front a highway.

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;**

The property is a detached bungalow, and the proposed extension would be a single storey and would extend by 4 metres beyond the rear wall of the main dwellinghouse with a total height of approximately 3.1 metres (3.25 tho rooflight). Therefore, the proposal meets the criteria under paragraph (f).

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;**

This is not applicable to the proposed development as the property is a detached dwellinghouse and not on Article 2(3) land. The proposed rear extension would be a single storey and would extend beyond the rear wall of the original dwellinghouse by 4 metres. Therefore, criterion (g) is not applicable and instead criterion (f), cited above, would apply.

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;**

This is not applicable for the proposed development as the proposal is for a single storey rear 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 proposed extension would be located within 2 metres of the eastern side boundary of the curtilage of the dwellinghouse. As such the 3 metres height of eaves restriction in regard to the proposed development is applicable.

The MHCLG's Permitted Development Rights for Householders Technical Guidance (2019) states that the eaves height should be 'measured from ground level at the base of the outside wall to the point where that wall would meet the upper surface of the roof slope' and allowing for the roof overhang. Based on measurements from the submitted plans, the eaves height of the proposed extension would be approximately 2.6 metres, thus not exceeding the 3 metres limit.

j. the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would-

- (i) extend 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;**

This is not applicable for the proposed development.

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);

The existing enlargement of the original dwellinghouse is a conservatory which would be demolished to allow for the construction of the proposed single storey extension. Therefore, criterion (ja) is not applicable to the proposed development.

k. it would consist of or include-

- (i) the construction or provision of a verandah, balcony or raised platform,**
- (ii) the installation, alteration or replacement of a microwave antenna,**
- (iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or**
- (iv) an alteration to any part of the roof of the dwellinghouse.; or**

This is not applicable to the proposed development.

l. the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).

This is not applicable to the proposed development.

A.2 In the case if 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).

The existing property and the proposed development are not on Article 2(3) land. As such, the criteria set out under A.2 is not applicable.

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;

It is stated on the application form that the new window and the proposed extension would be constructed of materials matching, in nature and design, the existing ones on the original dwellinghouse (as confirmed by the planning agent).

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**

Though the proposal would result in a new window on the eastern side elevation and proposes side windows on both sides of the proposed extension, the proposed works would be kept at ground floor level and the extension would be a single storey. As such, condition A.3 (b) is not applicable to the proposed development.

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.

The proposal comprises a single storey extension. As such, condition A.3 (c) is not applicable to the proposed development.

8 Conclusion

- 8.1 The proposed development falls within permitted development regulations as set out in **Schedule 2, Part 1, Class A** of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Therefore, a Lawful Development Certificate **can** be issued.
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9 RECOMMENDATION:

That the Head of Place be authorised to **GRANT A CERTIFICATE OF LAWFUL USE** for application APP/23/00487 for the following reasons:

The proposed development falls within the permitted development allowances as set out in **Schedule 2, Part 1, Class A** of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

FIRST SCHEDULE:

This certificate relates to the following development:

Lawful Development Certificate relating to proposed single storey rear extension with internal alterations and new fenestration. as described in the written particulars, plans and other documents submitted with your application received on 05 June 2023.

The documents are replicated as follows:

PD.101 REV A - Existing Floors & Roof Plans
PD.102 REV A - Proposed Floor & Roof Plans
PD.103 REV A - Location & Block Plan
PD.201 REV A - Existing Elevations
PD.202 REV A - Proposed Elevations
Email ATP Architectural Design dated 17th July 2023

SECOND SCHEDULE:

This certificate relates to land at 150 Sunnymead Drive, Waterloooville, PO7 6BU as shown edged red on the submitted Location Plan drawing number PD.103 Rev A received 05 June 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.