
Site Address:	54 Hurstville Drive, Waterloooville, PO7 7NE		
Proposal:	Proposed lawful development certificate for side dormer; new and renewed glazing; renewal of external cladding.		
Application Type:	Certificate of Lawfulness		
Application No:	APP/22/01190	Expiry Date:	03/02/2023
Applicant:	Ms H Wilding		
Agent:	Mr D Wilson	Case Officer:	Jenni Price
Ward:	Stakes		

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

1 Site Description

54 Hurstville Drive, Waterloooville, PO7 7NE

The application site is a modern detached two storey dwelling and integral garage of unusual design providing limited first floor accommodation. It has a brown tiled offset roof and elevations of beige multi brick and white cladding with a wraparound balcony to the front and side. There is a steep north south incline to the road and the site is open to the front with vehicular access, block paving and an area of grass. The rear garden consists of a patio and a raised grass area enclosed to all boundaries with fencing and a wall.

Detached properties of a similar design are to the north and south, the side aspect of a detached two storey property in Halifax Rise is opposite and a wooded area is to the rear. The area is of medium density with modern detached and semi-detached properties of a similar age and similar and different styles and design.

2 Planning History

None relevant.

3 Proposal

Proposed lawful development certificate for side dormer; new and renewed glazing to include 2 doors at the rear elevation; renewal of external cladding.

4 Policy Considerations

Not applicable for a lawful development certificate.

5 Statutory and Non Statutory Consultations

Councillor Diana Patrick

Councillor Elizabeth (formerly Dianne) Lloyd

Councillor S Milne

6 Community Involvement

Not applicable for this type of application.

7. Planning Considerations

7.1 The proposal has been assessed against the 'Permitted Development' allowances in the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

7.2 The development has been assessed against Schedule 2, Part 1, Class A and Class B with regards to the proposed new and renewed glazing, the renewal of external cladding and a side dormer.

7.3 Under Schedule 2, Part 1, Class A, the proposed development meets the following tests:

Part 1: Development within the curtilage of a dwelling house

Class A – enlargement, improvement or other alteration of a dwellinghouse

Permitted Development

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

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;

The replacement glazing and cladding will be matching

(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, 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 is for replacement glazing and replacement cladding under Class A and all roof alterations are considered under Class B in section 7.4 of this report

Class B

7.4 Under Schedule 2, Part 1, Class B, the proposed development meets the following tests:

Part 1: Development within the cartilage of a dwelling house

Class B - additions etc to the roof of a dwelling house

B.1 Development is not permitted by Class B if -

(a) Permission to use the dwelling house as a dwelling house has been granted only by virtue of Class M, N, P, P or Q of Part 3 of this Schedule (changes of use).

This property has not.

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

The proposed development does not exceed the height of the highest part of the existing roof.

(c) Any part of the dwelling house would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwelling house and fronts a highway

The proposed development does not.

(d) The cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than 50 cubic metres

The proposed development does not exceed 50 cubic content.

(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

The proposed development does not consist or include this.

(f) The dwelling house is on article 2(3) land.

The proposed development is not on article 2(3) land.

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 dwelling house;

The materials to be used in the loft conversion are to be similar in appearance to the existing dwelling house.

(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

(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

(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 dwelling house; and

The eaves of the original roof are maintained. The edge of the enlargement closest to the eaves are more than 0.2 metres from the eaves. No part of the enlargement extends beyond the outside face of any external wall of the original dwelling house.

(a) Any window inserted on a wall or roof slope forming a side elevation of the dwelling house 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;

The window of the dormer to the side would be of obscured glazing and any opening parts would be above 1.7m above the floor of the room.

8. Conclusion

- 8.1 The proposed dormer falls within permitted development regulations as set out in Schedule 2, Part 1, Class A and B 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 Planning be authorised to GRANT A CERTIFICATE OF LAWFUL DEVELOPMENT for application APP/22/01190

FIRST SCHEDULE:

This certificate relates to the following development:

Proposed lawful development certificate for side dormer; new and renewed glazing; renewal of external cladding. as described in the written particulars, plans and other documents submitted with your application received on 09 December 2022.

SECOND SCHEDULE:

This certificate relates to land at 54 Hurstville Drive, Waterloo, PO7 7NE as shown edged red on the submitted Location Plan received 09 December 2022.

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.